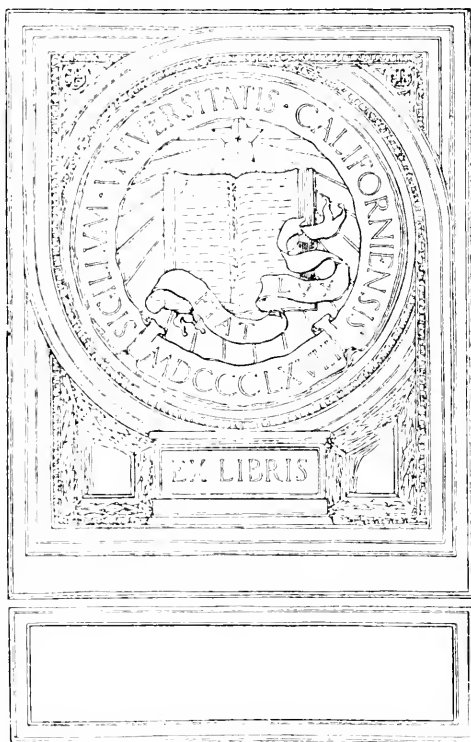




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LONDON STATUTES.

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LONDON STATUTES.

A COLLECTION OF PUBLIC ACTS RELATING SPECIALLY
TO THE ADMINISTRATIVE COUNTY OF LONDON AND OF
LOCAL AND PERSONAL ACTS AFFECTING THE POWERS
AND DUTIES OF THE LONDON COUNTY COUNCIL

FROM 1750 TO 1907.

PREPARED UNDER THE DIRECTION OF
THE PARLIAMENTARY COMMITTEE OF
THE LONDON COUNTY COUNCIL

BY

G. L. GOMME,

CLERK OF THE LONDON COUNTY COUNCIL.

AND

SEAGER BERRY,

SOLICITOR TO THE COUNCIL.

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LONDON STATUTES

(BEING A COLLECTION OF PUBLIC ACTS RELATING SPECIALLY TO THE ADMINISTRATIVE COUNTY OF LONDON, AND OF LOCAL AND PERSONAL ACTS AFFECTING THE POWERS AND DUTIES OF THE LONDON COUNTY COUNCIL)

52 & 53 VICTORIA. A.D. 1889.

CHAPTER 17.

AN ACT TO ABOLISH ANY DUTIES ON COALS LEVIABLE BY THE CORPORATION OF LONDON. [9th July 1889.]

[*Preamble recites that by a charter of His Majesty King James the First, dated the twentieth day of August, in the third year of his reign, after reciting that the mayor and commonalty and citizens of the city of London (herein-after referred to as the Corporation) from time immemorial had had and exercised the office of bailiff and the conservancy of the River Thames, and had received all the profits belonging to the office of bailiff, and also reciting that the Corporation had from time immemorial exercised the office of measurer of, amongst other things, all coals brought into the port of London by the River Thames in any ship or vessel, or on every shore or wharf of the Thames, by deputies for the time being, and that the Corporation had received to their own use all profits belonging to the office of measurer, and reciting that the Corporation had for a short time previously been disturbed in their measurings and the office of measurer; His Majesty, in order to put an end to all controversy, by the now reciting charter confirmed all the fees and measurings aforesaid, and the profits belonging to them, and the uses and customs aforesaid, to the Corporation and their successors; and that by the same charter His said Majesty granted to the Corporation the office of bailiff and the conservancy of the Thames; and further granted to the Corporation and their successors the office of measurer of, amongst other things, all coals which might be brought into the port of London on the Thames in any ship or vessel, or which might be brought into any shore or wharf of the Thames from Staines Bridge to a place called Yentleete, otherwise Yantleet, near the sea, together with the right to receive all profits belonging to the said office of measurer:* Charter, 3rd James I.

And the preamble further recites that by another charter of His said Majesty King James the First, dated the twelfth day of December, in the twelfth year of his reign, after reciting that it was manifest to His Majesty that the Corporation from time immemorial had had and exercised the office of measurer of all coals which were landed, conveyed, or brought into the port of the city of London upon the River Thames in any ship or vessel, and upon every shore or wharf of the Thames, yet nevertheless that a question had then very lately arisen whether the weighing of all coals brought into the port, together with the measuring of coals pertained to the said Corporation, His Majesty, to put an end to all controversy, Charter, 12th James I.

and to the intent that the Corporation might have as well the weighing as the measuring, and all profit usual for the same, granted to the Corporation and their successors the weighing of all coals called stone coals, pit coals, earth coals, and all other coals of what kind, nature, and species whatsoever they were, landed, conveyed, or brought to the port of the city of London upon the Thames, and also all profits and advantages belonging to them; and by the same charter His said Majesty granted to the Corporation the office of weigher of all coals, and appointed the Corporation to be the weighers of all coals, and to execute the weighing of the same; and by the same charter, after reciting that a question had arisen respecting the amount of the fee demanded by the Corporation and by their officers for the weighing of every ton weight of coals, His said Majesty, to put an end to all questions of the kind, granted to the Corporation and their successors that they might demand the fee of eightpence for the weighing of every ton of coals in respect of the charges of the Corporation and their successors for scales, and for their attendants, labour, and other necessary costs and expenses expended for the purpose:

5 & 6 W. and
M. c. 10.

And the preamble recites that by an Act of Parliament passed in the fifth and sixth year of the reign of King William and Queen Mary, chapter ten, intituled "An Act for the relief of Orphans and other Creditors of the City of London," after reciting that the Corporation were answerable for all moneys of the orphans of the city paid into the chamber of the city, but by reason of sundry accidents and public calamities had then become indebted to the orphans and other creditors in a much greater sum than they were able to pay unless assistance was given; it was enacted that the properties and revenues of the Corporation should be charged with the sum of money mentioned in the said Act as a perpetual fund for the payment of the amounts due to the orphans and creditors; and that by the said Act it was provided that for a further increase of the said fund, for all coals or culm which should be imported into the port of the city of London or the River Thames within the liberty of the said city to be sold by the chaldron or ton there should be paid by way of imposition thereupon the sum of fourpence per chaldron metage for ever over and above what was then lawfully paid for the metage thereof, to be paid in like manner as the then present duty for metage was or had been accustomed to be paid, and that over and above all other impositions and duties, and the said last-mentioned sum of fourpence for all coals or culm so imported the further sum of sixpence for every chaldron, and for such coals as were sold by the ton the sum of sixpence per ton, which said imposition of sixpence should continue for a term of fifty years:

And the preamble recites that the said imposition of sixpence was continued from time to time by several Acts of Parliament:

10 Geo. 4.
C. 135.

And the preamble recites that by an Act passed in the tenth year of the reign of His Majesty King George the Fourth, chapter one hundred and thirty-six, after reciting that the capital debt due to the orphans of the city of London had been annihilated, and that the capital debt due to the other creditors and charged upon the fund created by the said Act of King William and Queen Mary was reduced to the sum therein mentioned, and that it was probable that if no further charge was made in the said fund the whole of the debt would be paid off by the fifth day of April one thousand eight hundred and thirty-two, it was enacted that the Corporation might improve the approaches to

London Bridge; and that for the purpose of providing a fund for the purposes of the now reciting Act, the duty of sixpence a chaldron or ton imposed by the said Act of King William and Queen Mary should be continued until the fifth day of July one thousand eight hundred and fifty-eight; and that as soon as the said debt due on the said orphan fund had been paid off, the duty of fourpence metage imposed by the said last-mentioned Act should be appropriated to the fund created by the Act now in recital:

And the preamble recites that by an Act of Parliament passed in the first and second years of the reign of His Majesty King William the Fourth, chapter seventy-six, intituled "An Act for regulating the vend and delivery of coals in the cities of London and Westminster, and in certain parts of the counties of Middlesex, Surrey, Kent, Sussex, Hertford, Bucks, and Berks" (herein-after referred to as the Coal Duties Act 1831), after reciting (section sixty) the charters of third James the First and twelfth James the First and the Act of Parliament fifth and sixth William and Mary herein-before recited, and reciting that the duty of sixpence had been continued from time to time and would expire on the fifth day of July one thousand eight hundred and fifty-eight, and that the duty of fourpence and the duty of sixpence were both charged with money raised for defraying the expenses of public works, and reciting that it was expedient for the purposes of the now reciting Act that the Corporation should not at the then present time exercise any right or privilege of weighing or measuring coals, culm, or cinders, to which under or by virtue of any Acts of Parliament or charter, or by prescription or otherwise, they might be entitled during the term therein-after mentioned, and that one rate or duty should be paid to the Corporation in lieu of all rates and duties payable to them with respect to all coals, culm, and cinders; it was enacted that, during the term of seven years from the thirty-first day of December one thousand eight hundred and thirty-one, the Lord Mayor of the said city of London, and the said mayor, commonalty, and citizens should not exercise any right of measuring or weighing coals, or any other rights with respect to coals to which he or they was, were, or might be entitled by prescription, or by the said charters and Act of Parliament, or otherwise, and that the rate or duty of twelve pence for every ton of coals, culm, and cinders imported or brought into the port of London should be collected; and it was provided that fourpence per ton, part thereof, should be applied in the same manner as the sum in the charters mentioned to be payable for metage would be applicable, and that the sum of eightpence for every ton residue thereof should be applied in the same manner as the duties of fourpence per chaldron and sixpence per chaldron or ton, made payable by the said Act of Parliament of King William and Queen Mary, would be applicable:

And the preamble recites that by the said Coal Duties Act 1831 (section sixty-one), it was provided that at the end of the term of seven years the Lord Mayor of the said city of London, and the said mayor, commonalty, and citizens should be entitled to resume all rights of weighing and measuring coals, and all other rights and privileges in respect thereof to which he or they was, were, or might be entitled, and to demand and take the metage, impositions, duties, rates, or sums, and all other privileges and advantages to which he or they was, were, or might be entitled at the time of the passing of the said Act as fully as if the said Act had not been passed, and that the interruption in the exercise of any right or in the receipt of

1 & 2 Will. 4.
c. 76.

any fees or duties to which he or they might be entitled by prescription or otherwise during such time as the payments directed by the said Act to be made in lieu thereof should be received should not be deemed in law a waiver or discontinuance of any such right, fees, or duties, but that the same should be in full force and might be enforced and recovered and might be claimed in the same manner as if they had been exercised and received during the time in which the exercise and receipt thereof respectively should have been suspended, interrupted, or varied by virtue of the said Act, and that the said Lord Mayor and the said mayor, commonalty, and citizens might continue to prescribe for any such rights, fees, and duties as if he or they had continued in the exercise of such right, and in receipt of such fees and duties, notwithstanding the non-user thereof, in pursuance of the said Act or of any other Act of Parliament for the weighing of coals and payment of the sums provided for the same in lieu of the said metage fees and duties :

And the preamble recites that by 1 & 2 Vict. c. 101, it was provided that the Coal Duties Act 1831 should be continued until the 31st December 1845 :

And the preamble recites that by 8 & 9 Vict. c. 101, it was enacted that the Coal Duties Act 1831 and the Coal Duties Act 1838 should be continued until the 5th July 1862 :*

And the preamble recites that by 24 & 25 Vict. c. 42,† it was provided that all duties authorised by the Acts of Parliament herein-before recited and which are therein collectively referred to as the "Coal Duties Acts" should be levied in the same manner as they were then leviable until the 5th July 1872 :

And the preamble recites that by 26 & 27 Vict. c. 46, it was enacted that all duties by the said Act of 1861 continued until the 5th July 1872 should be continued until the 5th July 1882 :

And the preamble recites that by 31 Vict. c. 17,‡ it is enacted that all duties by the said Act of 1861 continued until the 5th July 1872, and by the herein-before recited Act of 1863 continued until the 5th July 1882, should be further continued until the 5th July 1889 :

And the preamble recites that it is expedient that, subject to the provisions of this Act, all duties at any time heretofore levied by the Corporation on coals, culm, or cinders shall cease :

And the preamble recites that by an Act entitled the Kew and other Bridges Act 1869, and an Act entitled the Kew and other Bridges Act 1869 (Amendment) Act 1874, provision was made for the freeing of certain bridges therein named, and for raising certain funds in that behalf on the security of the coal duties as therein mentioned :

And the preamble recites that after discharging the pecuniary obligation imposed by the said Acts a certain surplus will remain :

And the preamble recites that Parliament has reserved to itself by the thirty-first Victoria, chapter seventeen, section five, the right of dealing with such surplus as it shall direct :

And the preamble recites that by an Act passed in the fourteenth and fifteenth years of the reign of Her present Majesty, chapter one hundred and forty-six, entitled the Coal Duties (London and Westminster and adjacent Counties) Act 1851, the Corporation were to retain one penny per ton out of the drawback allowance for the purposes in the said Act expressed :

* Rep. 56 & 57 Vict. c. 54 (S.L.R.).

† Rep. 55 & 56 Vict. c. 19 (S.L.R.).

‡ Rep. 56 Vict. c. 14 (S.L.R.).

And the preamble recites that there now remains in the hands of the Chamberlain of London a surplus of fifty-nine thousand and ninety-seven pounds or thereabouts out of such drawback allowance.]

1. From and after the fifth day of July one thousand eight hundred and eighty-nine, the Lord Mayor of the city of London, and the mayor, commonalty, and citizens of the said city shall not at any time exercise any right of measuring or weighing coals or any other rights with respect to coals to which he or they is, are, or may be entitled by prescription or by any charters and Acts of Parliament, or otherwise, or to demand, collect, receive, or take any metage, impositions, duties, rates, or sums in respect of any coals, culm, or cinders imported or brought into the port of London or brought within the limits of the metropolitan police district as defined by Act of Parliament,* including the cities of London and Westminster, by any mode of conveyance :

Repeal of power of Lord Mayor's present rights with respect to coals.

[Part omitted (proviso that the duty of 4d. per ton on coals, culm, and cinders continued to the said Corporation by s. 2 of the before-recited Act of 1868 † shall continue until the 5th July 1890, but shall be applied towards discharging the moneys borrowed and remaining unpaid on the Holborn Valley improvements, referred to in that section) spent.]

2. *[Provision that any surplus remaining after discharging the pecuniary obligations imposed by the Kew and other Bridges Act 1869 and the Kew and other Bridges 1869 (Amendment) Act 1874, and any surplus accrued or accruing from the one penny per ton drawback allowance under the Coal Duties Act 1851, ‡ should be applied in discharging as far as may be the capital sum owing on the said Holborn Viaduct improvement.]*

3. This Act may be cited as the London Coal Duties Abolition Act, 1889. Short title.

CHAPTER 56.

AN ACT TO AMEND THE LAW RESPECTING CHILDREN IN WORKHOUSES,
AND RESPECTING THE BORROWING OF MONEY BY GUARDIANS
AND MANAGERS OF DISTRICT SCHOOLS, AND RESPECTING THE
MANAGERS OF THE METROPOLITAN ASYLUM DISTRICT.

[30th August 1889.]

2.

(6.) All enactments in the Acts relating to the relief of the poor touching the purposes for which and the amount to which guardians of unions and managers of any school or asylum district to whom this section applies may borrow, shall be repealed without prejudice to anything done thereunder, but every loan under this section shall be made on the like security and be paid off in the like time and manner, and be borrowed and re-borrowed in the like manner as is provided by the enactments in force at the passing of this Act with respect to loans of such guardians and managers.

Borrowing by guardians and managers of district schools, etc.

* See 10 Geo. 4. c. 44, s. 4.

† Rep. 56 Vict. c. 14 (S.L.R.).

‡ Rep. 55 & 56 Vict. c. 19 (S.L.R.).

Reception of fever, small-pox, and diphtheria patients into asylums in metropolitan district.

30 & 31 Vict. c. 6.

Use of metropolitan asylums for medical instruction.

Power to purchase land adjoining asylum.

38 & 39 Vict. c. 55.

Short title and construction.
42 & 43 Vict. c. 54.

3.

(4.) After the date of an order of the Local Government Board authorising the asylum managers* to receive diphtheria patients into their hospitals, subsection two of section sixty-nine of the Metropolitan Poor Act, 1867, shall apply as if diphtheria were therein mentioned as well as fever and small-pox.

[*Part omitted (as to reception of fever, small-pox, and diphtheria patients into the metropolitan asylums and the expenses incurred therewith) rep. 54 & 55 Vict. c. 76, s. 142.*]

4. The asylum managers may, if they think fit, allow the asylums provided by them for fever, small-pox, and diphtheria, to be used for purposes of medical instruction, subject to any rules and regulations which the Local Government Board may from time to time make with regard to such use of the said asylums.

5. The asylum managers shall have full power, with the consent of the Local Government Board, to purchase such land adjacent to an asylum provided by them as is required for the purposes of any such asylum; and for the purpose of such purchase sections one hundred and seventy-six and two hundred and ninety-six to two hundred and ninety-eight, both inclusive, of the Public Health Act, 1875,† shall apply as if they were herein re-enacted, and in terms made applicable to the asylum managers and to the purposes of this section. [See 30 & 31 Vict. c. 6, s. 15, and note thereon.]

6—7. [*As to ambulances and ambulance stations. Rep. 54 & 55 Vict. c. 76, s. 142.*]

10. This Act may be cited as the Poor Law Act, 1889.

[*The parts of the Act omitted are not special to London.*]

CHAPTER 61.

AN ACT TO FURTHER AMEND THE ACTS RELATING TO THE RAISING OF MONEY BY THE LONDON COUNTY COUNCIL, AND FOR OTHER PURPOSES.

[30th August 1889.]

[*Preamble recites (inter alia) 51 & 52 Vict. c. 40 (in this Act referred to as "the Act of 1888"), and that the powers of the Metropolitan Board of Works have been transferred to the London County Council (in this Act referred to as "the Council").*]

Short title.

1. This Act may be cited as the London Council (Money) Act, 1889; and the Metropolitan Board of Works (Money) Acts, 1875 to 1888, and this Act may be cited together as the London Council (Money) Acts, 1875 to 1889.

Construction of Act.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Metropolitan Board of Works (Money) Acts, 1875 to 1888, but all consolidated stock created by the Council after the appointed day fixed by the Local Government Act, 1888, shall be charged on the county rate in substitution for the consolidated rate.

* *I.e.* the Managers of the Metropolitan Asylum District.

† See Appendix.

3.

The expression "Main Drainage Acts" in this Act shall have the same meaning as is assigned to the same term in the Metropolitan Board of Works (Loans) Act, 1869.

Interpretation.

The expression "Artizans' and Labourers' Dwellings Improvement Acts" in this Act shall mean the enactments specified in the Third Schedule to this Act annexed.

[*Part omitted (definition of the expression "Parks and Open Spaces Acts") spent.*]

4-6. [*Amendment of ss. 6, 7, and 8 of 51 & 52 Vict. c. 40. Power to the Council to expend moneys for sundry purposes up to 31st December 1890. Spent.*]

7. . . . All the provisions of the Main Drainage Acts and the Metropolis Management Act, 1855, and the Acts altering or amending the same for the time being in force relating to the execution of works authorised by the said Acts respectively, shall continue in force, and shall extend and apply respectively to the works executed by means of money raised for the purposes of this section, and all stock created under the authority of this Act for such purposes shall be deemed to be created for the purposes of the above-mentioned Acts respectively. [*Part omitted (as to power to the Council to spend money till 31st December 1890 for purposes of main drainage and main sewers) spent.*]

Special power to expend money for purposes of main drainage and main sewers.

8.

(iv.) Money borrowed from and lent by the Council under this section may, notwithstanding anything in any other Act, be made repayable either in one sum or by instalments as the Council and the borrowers shall agree, and in either case shall be repaid to the Council with interest within such time after the borrowing as the borrowers, with the consent of the Local Government Board or the Treasury, as the case may be, where such consent is necessary to the borrowing, and the Council with the approval of the Treasury shall agree: Provided that the time after the borrowing within which such money shall be repaid to the Council shall not exceed in the case of a loan for the purpose of improvements in relation to streets or bridges, and for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

Power to lend to vestries, district boards, corporations, commissioners, burial boards or other public bodies.

[*Part omitted (as to power to the Council till 31st December 1890 to lend to vestries and district boards and other public bodies levying rates in the metropolis) spent.*]

9.

Money borrowed from and lent by the Council under this section shall, notwithstanding anything in any other Act, be repaid to the Council with interest within such time after the borrowing as the borrowers, with the consent of the Local Government Board, and the Council, with the approval of the Treasury, shall agree, not exceeding thirty years.

Power to lend to boards of guardians. 18 & 19 Vict. c. 120.

[*Part omitted (as to power to the Council till 31st December 1890 to lend to boards of guardians in the metropolis) spent.*]

10. [*Extension till 31st December 1890 of the amount which the Council may lend to the Managers of the Metropolitan Asylum District. Spent.*]

11. [*Power to the Council till 31st December 1890 to lend to the School Board for London. Spent.—Provision as to repayment within not exceeding fifty years. Superseded 2 Edu. 7, c. 42, and*

2nd Schedule; and 3 Edw. 7, c. 24, s. 1. See also the *Public Works Loans Act 1905*, s. 3 (see Appendix).]

12. [Power to the Council till 31st December 1890 to lend to Receiver of the Metropolitan Police District. Spent.]

Power to
lend to the
Vestry of
St. Pancras.

13.

Money may be borrowed from and lent by the Council under this section in addition to any money borrowed from or lent by the Council under section nine, and may be made repayable either in one sum or by instalments as the Council and the Vestry of Saint Pancras* shall agree, and in either case shall be repaid to the Council with interest within such time after the lending, not exceeding fifty years, as the Council and the Vestry of Saint Pancras,* with the approval of the Treasury, shall agree.

[Part omitted (as to power to the Council till 31st December 1890 to lend to the Vestry of St. Pancras for the purposes authorised by the St. Pancras Loans Act 1887) spent.]

Protection of
Council in
case of
certain loans.

14. Where, under the authority of this or any other Act, the Council lend any money to any corporation, body of commissioners, public body, or persons, the exercise of whose powers of borrowing is subject to the consent of the Local Government Board, the sanction of that Board to the borrowing of such money shall in every such case be conclusive evidence that such corporation, body of commissioners, public body, or persons had power to borrow such money.

Application
of Consoli-
dated Loans
Fund.

15. Section twenty-eight of the Metropolitan Board of Works (Loans) Act, 1869, is hereby repealed. The Consolidated Loans Fund shall, subject to regulations approved by the Treasury, be first applied in the payment of the dividends on consolidated stock, and then in purchasing and redeeming consolidated stock, and in payment of the principal or instalments of principal due on securities granted before the passing of the Metropolitan Board of Works Loans Act, 1869, or for debts and liabilities transferred from the counties of Middlesex, Surrey, and Kent, and apportioned to the county of London under section forty of the Local Government Act, 1888. The Council may in the meantime, and subject to regulations approved by the Treasury, invest any money for the time being forming part of the Consolidated Loans Fund in any stocks, funds, or securities in which cash under the control or subject to the order of the Supreme Court may be invested under any order of the Supreme Court for the time being in force. [See also 59 & 60 Vict. c. cxxiv. s. 16.]

51 & 52 Vict.
c. 41.

Power to
raise con-
solidated
stock.

16.

(i.) Where the Council under the authority of this Act create consolidated stock to raise money for the purpose of the Fire Brigade Act, 1865, or to enable them to make a loan repayable within a period not exceeding thirty years from the date of such loan, the Council shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve, as being in their opinion sufficient to redeem within the period of thirty years from the date of the creation of such stock, or in the case of any such loan within any less period for which the same may be made, an amount of consolidated stock equal to that so created; and

*. Now the Council of the Metropolitan Borough of St. Pancras. See 62 and 63 Vict. c. 14, s. 4.

(ii.) Where the Council are by this Act authorised to make a loan the Council, instead of raising money for any such loan by the creation of consolidated stock, may use for any such loan any money for the time being forming part of the Consolidated Loans Fund and not required for the payments of the dividends on consolidated stock. Provided that no such money shall be used for any loan repayable at a date later than the date at which the consolidated stock redeemable by means of the money so used is required to be redeemed.

(iii.) Where the Council are authorised by the Act of 1888 or this Act to raise money for any purpose, the Council, instead of raising such money by the creation of consolidated stock, may, with the approval of the Treasury, use for such purpose any money for the time being forming part of the Consolidated Loans Fund, and not required for the payment of the dividends on consolidated stock. Provided that no such money shall be so used unless provision shall be made in such manner as the Treasury approve for repaying the same to the Consolidated Loans Fund at or before the date at which consolidated stock redeemable by means of such money is required to be redeemed at par, and in every such case the Council shall from time to time raise, as part of the county rate, such sums as the Treasury approve as being in their opinion sufficient for the repayment at or before the date aforesaid of the money used for such purpose, and for the payment of the interest on the money so used, and such sums shall from time to time be carried by the Council to the Consolidated Loans Fund.

(iv.) Where the Council raise consolidated stock for the purpose of any scheme made by the Board or the Council under the authority of the Artizans' and Labourers' Dwellings Improvement Acts, there shall be repaid (as provided by the Artizans' and Labourers' Dwellings Improvement Act, 1875 *) to the county rate out of the local rate, as defined by the said last-mentioned Act, all money required for payment of dividends on, and the redemption of all consolidated stock created for such purpose.

[Part omitted (as to power to the Council to raise consolidated stock for the purposes of this Act) spent.]

17. *[Power to the Council within twelve months after the issue of stock to apply money raised by stock to make up certain dividends thereon. Spent.]*

18—22. *[Power to the Council to raise money authorised by this Act by metropolitan bills, and provisions relating thereto. Spent.]*

23. *[Limit on the borrowing power of the Council in s. 38 of 32 & 33 Vict. c. 102, not to extend to money raised under this Act.]*

24. All sums received by the Council in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund. Repayments carried to Consolidated Loans Fund.

25. *[Limit to exercise of borrowing powers by the Council during the year ending 31st December 1890. Spent.]*

* Rep. and replaced by the Housing of the Working Classes Act 1890.

Incorporation
of sections
27 to 43 of
48 & 49 Vict.
c. 50.

26. Sections twenty-seven to forty-three, inclusive, of the Metropolitan Board of Works (Money) Act, 1885, shall be deemed to be incorporated with this Act.

FIRST SCHEDULE. [*Particulars of new money powers conferred in this Act. Spent.*]

SECOND SCHEDULE. [*List of Parks and Open Spaces Acts. Spent.*]

THIRD SCHEDULE.

Sections 3
and 6.

ARTIZANS' AND LABOURERS' DWELLINGS IMPROVEMENT ACTS.

1868	31 and 32 Vict.	C. 130.	The Artizans' and Labourers' Dwellings' Act.*
1875	38 and 39 Vict.	C. 36.	The Artizans' and Labourers' Dwellings Improvement Act.*
1876	39 and 40 Vict.	Ch. ec.	Whitechapel and Limehouse Scheme.
1877	40 and 41 Vict.	Ch. ciii.	Goulston Street and Flower-and-Dean Street. Whitechapel, Scheme—St. George-the-Martyr, Southwark, Scheme, and Bedfordbury, St. Martin-in-the-Fields, &c., Scheme.
1877	40 and 41 Vict.	Ch. cxxxiii.	Great Wild Street, St. Giles-in-the-Fields, Scheme—Pear Tree Court, Clerkenwell, Scheme—Whitecross Street, St. Luke, Scheme—High Street, Islington, Scheme, and Old Pye Street, Westminster, Scheme.
1878	41 and 42 Vict.	Ch. cxii.	Bowman's Buildings, Marylebone, Scheme, and Essex Road, Islington, Scheme.
1879	42 and 43 Vict.	Ch. lxxix.	Little Coram Street, St. Giles, &c., Scheme—Wells Street, Poplar, Scheme, and Great Peter Street, Westminster, Scheme.
1879	42 and 43 Vict.	Ch. lxxx.	Whitechapel and Limehouse (Modification) Scheme.
1879	42 and 43 Vict.	C. 63.	The Artizans' and Labourers' Dwellings Improvement Act.*
1879	42 and 43 Vict.	C. 64.	The Artizans' and Labourers' Dwellings Act, 1868, Amendment Act.*
1880	43 Vict.	C. 8.	An Act to amend the Artizans' and Labourers' Dwellings Act, 1868, Amendment Act, 1879.*
1880	43 and 44 Vict.	Ch. cxxxi.	High Street, Islington (Modification), Scheme.
1882	45 and 46 Vict.	C. 54.	The Artizans' Dwellings Act.*
1883	46 and 47 Vict.	Ch. xciv.	Tench Street, St. George-in-the-East, Scheme.
1883	46 and 47 Vict.	Ch. xcv.	Brook Street, Limehouse, Scheme.
1883	46 and 47 Vict.	Ch. xevi.	Windmill Row, New Cut, Lambeth, Scheme.
1883	46 and 47 Vict.	Ch. xevii.	Trafalgar Road, Greenwich, Scheme.
1885	48 and 49 Vict.	Ch. xcix.	Hughes Fields, Deptford, Scheme.
1885	48 and 49 Vict.	Ch. c.	Tabard Street, Newington, Scheme.
1885	48 and 49 Vict.	C. 72.	The Housing of the Working Classes Act.
1886	49 and 50 Vict.	Ch. cxii.	Metropolitan Board of Works (Various Powers) Act (Goulston Street, &c., Scheme).
1887	50 and 51 Vict.	Ch. ci.	Cable Street, Shadwell, Scheme.
1887	50 and 51 Vict.	Ch. cii.	Shelton Street, St. Giles', Scheme.
1888	51 and 52 Vict.	Ch. xxxii.	The Metropolis (Whitechapel and Limehouse) Provisional Order Confirmation Act.

CHAPTER CXLVII.

AN ACT TO CONFER FURTHER POWERS ON THE LONDON COUNTY COUNCIL AS TO STREETS AND OPEN SPACES AND FOR OTHER PURPOSES. [12th August 1889.]

[*Preamble.*]

Short title.

1. This Act may be cited as the Metropolitan Improvements Act 1889.

Interpretation of terms.

2. In this Act the following words and expressions have the

* Rep. by the Housing of the Working Classes Act 1890, s. 102.

several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

“The Council” means the London County Council as constituted by the Local Government Act 1888.

[*Parts omitted (definitions of “The Lands Clauses Acts,” “The Metropolis Management Act,” and as to meanings of words in Lands Clauses Acts incorporated) spent.*]

3. [*Incorporation of Lands Clauses Acts. Spent.*]

4. The Council may purchase and acquire two pieces of land adjoining Whitfield’s Tabernacle in Tottenham Court Road in the parish of St. Pancras in the county of London shown on the deposited plans and described in the deposited book of reference one being a disused burial ground and the other a piece of open or waste ground and when the Council shall have acquired the same they shall lay out maintain and preserve the same and every part thereof for the perpetual use thereof by the public for exercise and recreation and may from time to time exercise all necessary powers for levelling and improving and for the maintenance and preservation of the same: Provided that the Council may if they think fit enclose the said pieces of land or any part thereof with a view to the better or more effectual preservation thereof for public use.

Power to purchase disused burial ground and land (Tottenham Court Road).

5. [*Vestry of St. Pancras to contribute half the cost of acquiring and laying out the said two pieces of land. Spent.*]

6. The Council may and shall hold the piece of ground known as Myatt’s Fields Camberwell situate partly in the parish of Camberwell and partly in the parish of Lambeth as shown upon the Plan (A) signed by Leonard Henry Courtney the Chairman of the Committee to whom the Bill for this Act was referred (of which plan one copy has been deposited at the Parliament Office of the House of Lords and one other copy has been deposited at the Private Bill Office of the House of Commons) as the same has been transferred to and vested in the Council and the Council shall lay out maintain and preserve the same as a park or enclosed ground for the perpetual use thereof by the public for exercise and recreation.

Provisions as to Myatt’s Fields Camberwell.

7. The Council may enclose and lay out and plant two pieces of vacant land situate at the northern end of Shaftesbury Avenue in the parish of St. George Bloomsbury in the county of London as the same are described and coloured red upon the Plan (B) signed by Leonard Henry Courtney the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plan one copy has been deposited in the Parliament Office of the House of Lords and one other copy has been deposited at the Private Bill Office of the House of Commons) and the Council may enter into and carry into effect any agreement with the Board of Works for the St. Giles’ district* providing for the use of the said two pieces of land for public purposes or may sell convey or lease the said two pieces of land or any part thereof to the said Board of Works to be used for public purposes on such terms and conditions and whether with or without consideration as the Council may think fit.

Land in Shaftesbury Avenue.

* Now the Council of the Metropolitan Borough of Holborn. See 62 & 63 Vict. c. 14, s. 4.

Prohibiting
erection of
buildings on
certain land
at Piccadilly
Circus.

8. The Council may and shall lay out preserve and keep as an ornamental enclosure the piece of ground at Piccadilly Circus as shown upon the Plan (C) signed and deposited as aforesaid and shall not erect or suffer to be erected any building thereon except such (if any) as may be consistent with the maintenance of the said piece of ground as by this section directed and as shall be in accordance with plans and elevations previously submitted to and approved in writing by the Commissioners of Woods.

Clissold Park.

9. The Council may erect and maintain a fence round Clissold Park and may enclose the said park or any part thereof with a view to the better or more effectual preservation thereof for public use and may lay out and improve the said park and defray the expenses from time to time incurred by them for those purposes and in maintaining and preserving the said park in like manner in every respect as if such expenses were expenses incurred by the Council in carrying into execution the purposes of the Metropolis Management Act. [See 50 & 51 Vict. c. cxxxvii.; and 51 & 52 Vict. c. 41, s. 68.]

Land at
Tench Street
near London
Dock.

10. Notwithstanding anything contained in the Metropolis (Tench Street Saint George-in-the-East) Provisional Order Confirmation Act 1883 or the Provisional Order and scheme confirmed thereby it shall be lawful for the Council to lay out the improvement area therein referred to as an open space or recreation ground and to preserve and maintain the same or any part thereof for the use by the public for exercise and recreation and the Council may from time to time exercise all necessary powers for levelling improving maintaining and preserving the same and may place and maintain such erections and appliances therein and thereon as they may think expedient for that purpose: Provided that they may (if they think fit) enclose the said piece of land or any part thereof with a view to the better or more effectual preservation thereof for public use.

11. [As to byelaws. Superseded 53 & 54 Vict. c. cexliiii. s. 14; and 61 & 62 Vict. c. cexxi. s. 61.]

12—14. [Extension till 6th August 1891 of the time for the compulsory purchase of certain lands under 48 & 49 Vict. c. clxvii. and 51 & 52 Vict. c. clvi., and till 25th June 1891 for completion of works under 49 & 50 Vict. c. exii., and (subject to a rehousing scheme approved by the Secretary of State on the 30th October 1886, and to s. 60 of 48 & 49 Vict. c. clxvii.) of the time for the compulsory purchase of certain lands and property under 48 & 49 Vict. c. clxvii. Spent.]

15. [Errors in plans. Spent.]

Power of
Council to
defray
expenses as
if incurred
under
18 & 19 Vict.
c. 120.

16. The Council may from time to time defray the expenses incurred by them in the execution of this Act and not otherwise provided for by this or any other Act in like manner in every respect as if such expenses were expenses incurred by the Council in carrying into execution the purposes of the Metropolis Management Act. See 51 & 52 Vict. c. 41, s. 68.]

17. [Expenses of obtaining Act. Spent.]

53 & 54 VICTORIA. A.D. 1890.

CHAPTER 15.

* AN ACT TO AMEND THE OPEN SPACES ACTS. [25th July 1890.]

1. This Act may be cited as the Open Spaces Act, 1890, and may be read with the Metropolitan Open Spaces Acts, 1877 and 1881, and the Open Spaces Act, 1887 (herein-after called the principal Acts) as one Act, and this Act and the principal Acts may be cited as the Open Spaces Acts, 1877 to 1890.

Short title and construction.
40 & 41 Viet.
c. 35.
44 & 45 Viet.
c. 34.
50 & 51 Viet.
c. 32.
Definitions.

2. In this Act—

The expression “local authority” shall mean and include any of the public bodies who are empowered by the principal Acts to hold open spaces for the purposes of the Open Spaces Acts, 1877 to 1890 :

“The Court” shall mean the Chancery Division of the High Court of Justice in England and Ireland, and the county court of the district in which the whole or part of any open space may be situated as herein provided.

3. The trustees of land held upon trust for the purposes of public recreation may, in pursuance of a resolution duly passed as provided by section two of the Metropolitan Open Spaces Act, 1881, transfer by free gift, absolutely or for a limited term, to the local authority of the district in which the whole or the greater part in area of the land is situate, the land so held by them, if such authority is willing to accept such transfer, to be held by the transferees on the trusts and subject to the conditions on which the transferors held the same, or upon such other trusts and subject to such other conditions (so that the land be appropriated to the purposes of public recreation) as may be agreed upon between the transferors and transferees with the approval of the Charity Commissioners for England and Wales, or, as respects Ireland, of the Commissioners of Charitable Donations and Bequests for Ireland. Subject to the obligation of the land so transferred being used for the purposes of public recreation as aforesaid, the local authority may hold the same as and for the purposes of an open space under the Open Spaces Acts, 1877 to 1890. This section shall not apply to any trustees elected or appointed under any local or special Act of Parliament.

Transfer to local authority of spaces held by trustees for purposes of public recreation.

4. When any open space shall be situate wholly or in part within the district of a local authority, and shall be vested in trustees, other than such trustees as are mentioned in the principal Acts, or in the last preceding section of this Act, for any charitable purpose, and as part of their trust estate, and it shall appear to the majority of such trustees that such open space is no longer required for the purposes of their trust, or that the same may with advantage to the trust be dealt with under the provisions of this section, it shall be lawful for such trustees, in pursuance of a resolution passed by them in the manner prescribed in the last preceding section of this Act, and where the open space is subject to the provisions of the Charitable Trusts Acts, 1883 to 1887, with such authority or approval as is required by those Acts for a sale of the open space,

Similar power with respect to trustees of other open spaces.

* This Act is not special to London, but is included as it is an Act which may be read with the Metropolitan Open Spaces Acts 1877 and 1881, and the Open Spaces Act 1887 as one Act. See s. 1.

and in other cases in pursuance of an order of the Court to be obtained as herein-after provided, to convey or demise such open space to such local authority upon such terms as shall be mutually agreed between them, and the local authority shall thenceforth be entitled to hold the same as an open space upon the terms and under the conditions specified in any such conveyance or demise, or upon such terms and under such conditions as may be so authorised or approved, or as the Court shall from time to time order, as the case may be.

Procedure for obtaining order of court.

5. An order of the Court may be made upon application by the trustees, and the Court, before making any order, may direct such inquiries to be made, such consents to be obtained, and notice to be given to such persons as to the Court shall seem expedient, and may make such order thereon as in its discretion appears proper. Rules for carrying out the preceding provisions of this Act may from time to time be made by the same authority as the General Rules or Orders of the High Court of Justice in England and Ireland, and of the county courts in England, Ireland, and Wales respectively are made.

Open Spaces Acts to apply outside district of local authority.

6. The Open Spaces Acts, 1877 to 1890, shall be applicable to the whole of any open space which is wholly or partly situated without the district of a local authority in the same manner to all intents and purposes as if the whole of such open space had been situated within such district.

Buildings on open spaces.

7. Where a portion of an area of land not exceeding a twentieth part is covered with a building or buildings, such land may notwithstanding be deemed to be an open space within the meaning of the Open Spaces Acts, 1877 to 1890.

CHAPTER 41.

AN ACT TO FURTHER AMEND THE ACTS RELATING TO THE RAISING OF MONEY BY THE LONDON COUNTY COUNCIL, AND FOR OTHER PURPOSES.

[14th August 1890.]

[*Preamble recites* (inter alia) 52 & 53 Vict. c. 61, and that the *London County Council* (in this Act referred to as "*the Council*") require to borrow the amounts herein-after named.]

Short title.

1. This Act may be cited as the London County Council (Money) Act, 1890; and the London Council (Money) Acts, 1875 to 1889, and this Act may be cited together as the London County Council (Money) Acts, 1875 to 1890.

Construction of Act.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the London Council (Money) Acts, 1875 to 1889, but all consolidated stock created by the Council shall be charged on the county rate in substitution for the consolidated rate.

Interpretation.

3. The expression "Main Drainage Acts" in this Act shall have the same meaning as is assigned to the same term in the Metropolitan Board of Works (Loans) Act, 1869.

The expression "Artizans' and Labourers' Dwellings Improvement Acts" in this Act shall mean the enactments specified in the

Third Schedule to this Act annexed, and includes any Act of the present session consolidating any of those Acts.

[*Parts omitted (definitions of the expression "Parks and Open Spaces Acts" and "Electric Lighting Acts") spent.*]

4—6. [*Amendment of ss. 6, 7, 8, 11, and 13 of 52 & 53 Vict. c. 61—Power to the Council to expend money till 31st December 1891 for sundry purposes. Spent.*]

7. . . . All the provisions of the Main Drainage Acts and the Metropolis Management Act, 1855, and the Acts altering or amending the same for the time being in force relating to the execution of works authorised by the said Acts respectively, shall continue in force, and shall extend and apply respectively to the works executed by means of money raised for the purposes of this section, and all stock created under the authority of this Act for such purposes shall be deemed to be created for the purpose of the above-mentioned Acts respectively. [*Part omitted (as to power to the Council to expend money till 31st December 1891 for purposes of main drainage and main sewers) spent.*]

8. [*Power to the Council during the year ending 31st December 1891 to lend to vestries, district boards, corporations, commissioners, burial boards, or other public bodies levying rates in the Metropolis. Spent.—Provision as to repayment. Identical with such provision in 52 & 53 Vict. c. 61, s. 8.*]

9. [*Power to the Council till 31st December 1891 to lend to boards of guardians in the Metropolis. Spent.—Provision as to repayment within a period not exceeding 30 years. Identical with such provision in 52 & 53 Vict. c. 61, s. 9.*]

10. [*Extension till 31st December 1891 of the amount which the Council may lend to the managers of the Metropolitan Asylum District. Spent.*]

11. [*Power to the Council till 31st December 1891 to lend to the School Board for London. Spent.—Provision as to repayment within a period not exceeding 50 years. Superseded 2 Edw. 7, c. 42, s. 5, and 2nd Schedule; and 3 Edw. 7, c. 24, s. 1. See also the Public Works Loans Act 1905, s. 3 (see Appendix).]*

12. [*Power to the Council to lend during the year ending 31st December 1891 to the Vestry of St. Pancras. Spent.—Provision for repayment within a time to be approved by the Treasury not exceeding 50 years. Identical with such provision in 52 & 53 Vict. c. 61, s. 13.*]

13. [*Protection of the Council in case of certain loans. Identical with 52 & 53 Vict. c. 61, s. 14.*]

14.

(iv.) Where the Council raise consolidated stock for the purpose of any scheme made by the Board or the Council under the authority of the Artizans' and Labourers' Dwellings Improvement Acts, all money required for payment of dividends on, and the redemption of all consolidated stock created for such purpose, shall be charged to the special county account to which the expenditure for the purposes of the said Acts is chargeable.

Power to
raise con-
solidated
stock.

[*Part omitted identical with 52 & 53 Vict. c. 61, s. 16 (i.) (ii.) and (iii.).]*

15. [Power to the Council within 12 months after the issue of stock to apply money raised by stock to make up dividends from fixed dates. *Spent.*]

16—20. [Power to the Council to raise money authorised by this Act by metropolitan bills, and provisions relating thereto. *Spent.*]

21. [The limit on the borrowing powers of the Council in s. 38 of 32 & 33 Vict. c. 102 not to extend to money raised under this Act.]

22. [Repayments to be carried to the Consolidated Loans Fund. Identical with 52 & 53 Vict. c. 61, s. 24.]

23. [Limit to exercise of borrowing powers during the year ending 31st December 1891. *Spent.*]

As to sale of
superfluous
lands.

24. Notwithstanding any provision contained in any Act of Parliament, the prescribed period within which the Council shall absolutely sell and dispose of any lands acquired by the Council and not required by them under any Act of Parliament passed in or subsequently to the year one thousand eight hundred and eighty-nine shall be the first day of September one thousand nine hundred and forty-nine, being the date at which the consolidated stock raised to defray the expenses of the Council incurred under any such Act is by law required to be redeemed. Provided always that the Council may sell and dispose of any such superfluous lands at any time within the said period, but moneys received from the sale or disposal thereof shall (except where otherwise specially provided by any Act) be carried by the Council to the Consolidated Loans Fund. [See 32 & 33 Vict. c. 102, s. 45; 47 & 48 Vict. c. 50, s. 23. See also 62 & 63 Vict. c. cxxxvii. s. 23, and cclxvi. s. 37.]

Receipts to
be carried to
Consolidated
Loans Fund.

25. Notwithstanding the provisions contained in the Metropolis Toll Bridges Act, 1877, the Metropolitan Bridges Act, 1881, the Metropolitan Board of Works Bridges Acts, 1883 and 1884, the Metropolitan Board of Works (Various Powers) Act, 1885, the Thames Tunnel (Blackwall) Acts, 1887 and 1888, the Council shall carry to the Consolidated Loans Fund all moneys arising from the sale, lease, or other disposition of lands, rents, or property, or from the sale of materials, or from any other source under the said Acts.

26. [Incorporation of ss. 27—43 of 48 & 49 Vict. c. 50. Identical with 52 & 53 Vict. c. 61, s. 26.]

FIRST SCHEDULE. [Particulars of new money powers conferred in this Act. *Spent.*]

SECOND SCHEDULE. [List of Parks and Open Spaces Acts referred to in s. 3. *Spent.*]

THIRD SCHEDULE. [List of Artizans' and Labourers' Dwellings Improvement Acts referred to in s. 3. Identical with the 3rd Schedule of 52 & 53 Vict. c. 61.]

FOURTH SCHEDULE. [Electric Lighting Acts referred to in s. 3. *Spent.*]

CHAPTER 54.

AN ACT TO AMEND THE SEVENTY-EIGHTH SECTION OF THE METROPOLIS MANAGEMENT AMENDMENT ACT, 1862.

[18th August 1890.]

Repeal of
25 & 26 Vict.
c. 102, s. 78.

1. Section seventy-eight of the Act passed in the session of Parliament holden in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter one hundred and two, intituled

"An Act to amend the Metropolis Local Management Acts," shall be repealed, and in the place thereof there shall be enacted the section following, viz.: In case any footway or any part of a footway laid out at the passing of the Act of the eighteenth and nineteenth years of the reign of Her present Majesty Queen Victoria, chapter one hundred and twenty, intituled "An Act for the better Local Management of the Metropolis," shall have been repaired by the vestry * or district board of works,* or any other public body, but such footway or any part thereof shall not have been flagged or only partially flagged, and the vestry * or district board of works * shall have deemed it necessary or expedient, or shall deem it necessary or expedient, that the same should be flagged either throughout the whole length and breadth thereof or any part of such length or breadth respectively, and such vestry * or district board * shall have flagged or be about to flag the same, the owners of the houses and the owners of the land bounding or abutting on the road or street in which such footway or any part thereof is situate, shall on demand pay to such vestry * or district board of works * the amount of the expense incurred, or the estimated expense to be incurred, in providing and laying such flagging; and in the case of estimated expense where the same shall exceed the actual expense of such flagging, then the difference between such estimated expense and such actual expense shall be repaid by the vestry * or district board * to the owners of houses and land by whom the said estimated expense has been paid; and in case the said estimated expense be less than the actual expense of such paving, then the owners of the said houses and land shall on demand pay to the vestry * or district board * such further sum of money as, together with the sum already paid, amounts to the actual expense: Provided that it shall be lawful for the said vestry * or district board * to charge the owners of land in a less proportion than the owners of house property should they (the said vestry * or district board *) deem it just and expedient so to do. [See also 53 & 54 Vict. c. 66, s. 3.]

Vestries and district boards may flag footpaths and recover expense from owners.

2. The expense aforesaid, whether estimated or actual (including the cost of flagging at the points of intersections of streets, and all other incidental costs and charges), shall be ascertained and apportioned by the vestry * or district board * amongst the parties liable to pay the same under the preceding section of this Act, and shall be recoverable either before the work shall be commenced, or during its progress, or after its completion, from the owner of the premises, either by action-at-law or in a summary manner before a Justice of the Peace at the option of the vestry * or district board,* as provided for by the two hundred and twenty-fifth section of the said Act of the eighteenth and nineteenth years of the reign of Her present Majesty Queen Victoria. [See also 53 & 54 Vict. c. 66, s. 3.]

Apportionment and recovery of expense.

3. After any vestry * or district board * has flagged any footway under the provisions of this Act, the said vestry * or board * shall keep the said flagging in good and sufficient repair.

Vestry or board to keep flagging in repair.

4. In the construction of this Act all the provisions contained in the two hundred and fiftieth section of the said Act of the eighteenth and nineteenth Victoria, chapter one hundred and twenty, and the one hundred and twelfth section of the said Act of the twenty-fifth and twenty-sixth Victoria, chapter one hundred and two, shall be deemed and taken to apply to and extend to the provisions of this

Interpretation of terms.

* Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

Act, and the term "flag" or "flagging" shall include asphalt or other similar paving material, and the term "paved" shall include asphalted or other similar paved work.

Construction of Act. 5. Except as by this Act expressly amended or varied, the said Act of the session of the eighteenth and nineteenth Victoria, chapter one hundred and twenty, and the several Acts passed for the amendment of the said Act and this Act shall be construed together as one Act.

Short title. 6. This Act may be cited as the Metropolis Management Act, 1862, Amendment Act, 1890.

CHAPTER 66.

AN ACT TO AMEND THE METROPOLIS MANAGEMENT ACTS.

[18th August 1890.]

Short title. 1. This Act may be cited for all purposes as the Metropolis Management Amendment Act, 1890.

Interpretation. 18 & 19 Vict. c. 20. 2. In this Act—
"The Metropolis Management Acts" includes the Metropolis Management Act, 1855, and any Acts amending the same.
Terms to which meanings are assigned by the Metropolis Management Acts have the same respective meanings.
"The Council" means the London County Council.

Power to vestry or district board to repair a road or way not being a street. 3. Any vestry* or district board* may from time to time execute any necessary works of repair upon any or any part of any carriage road within their parish or district which shall have been used for not less than six months for public traffic and which may not at the time of such repair have become repairable by them, and shall not by undertaking such repair prejudice or affect the powers of such vestry* or district board* to apportion and recover the expenses of paving such road or way if and when the same shall be paved as a new street under the Metropolis Management Acts.

The expenses of and incident to such repair may in the first instance be paid by the vestry* or district board* in the same manner as the expenses of repairing other streets repairable by them, and shall as soon as may be thereafter be apportioned upon and recovered from the owners of the houses and land bounding or abutting on such road or part thereof in the same manner as if such expenses were expenses of paving such road or part thereof as a new street under the provisions of the Metropolis Management Acts relative thereto, and the amount of the expenses so apportioned may be recovered by the vestry* or district board* in a court of competent jurisdiction.

Provided that no railway company shall be liable under this section to pay the proportion of the expenses of and incident to such works of repair apportioned upon them in respect of lands abutting on any such road and used solely as part of their line of railway and sidings, and having no direct communication with such road, and the amount apportioned upon any such company in respect thereof shall be paid by the vestry* or district board.* But in the event of such company making a direct communication with such road before the same is taken over by the vestry* or district board,* a just share of the said expenses shall be payable by such company to the vestry* or district board,* and the amount

* Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

of such share shall, in case of difference between the railway company and the vestry * or district board,* be fixed in a summary way by any metropolitan police magistrate in whose district such road shall be wholly or partly situate, and shall be payable on demand to the vestry * or district board.* [See 25 & 26 *Vict. c.* 102, ss. 77 and 112.]

4. Any person making any sewer, or branching any sewer or drain into any sewer vested in the Council, without the approval in writing of the Council first had and obtained, or otherwise than in accordance with a plan and section thereof approved by the Council, or causing any such sewer or drain to be so made or branched shall be liable to a penalty not exceeding fifty pounds.

Penalty for making sewers contrary to plans approved.

The Council may by notice in writing to the owner or owners of the premises connected with the sewer or drain so improperly made or branched, or (if there are no such premises) of the land in which it is placed, require such owner or owners forthwith to remove such sewer or drain or to reconstruct the same at his or their expense to the approval of the Council in accordance with the plan and section approved as aforesaid, and in the event of such owner or owners failing to comply with the terms of such requisition, such owner or owners, as the case may be, shall be severally liable to a penalty not exceeding five pounds for every day during which he or they shall fail to comply therewith. And the Council may execute the works required and recover the costs and expenses thereof in a court of summary jurisdiction from the person who shall have made or branched, or caused to be made or branched, the sewer or drain, or from the owner or owners of the premises connected therewith, or (if there are no such premises) of the land in which it is placed. Provided that if the premises of more than one owner are at the time of the commencement of the work by the Council connected with any such sewer, the costs and expenses thereof shall be apportioned amongst and recoverable from such owners in proportion to the rateable value of the premises respectively connected therewith.

Provided also that in the event of any such costs and expenses being paid to the Council by any such owner or owners then such owner or owners shall be entitled to recover in a court of summary jurisdiction the amount so paid by them from the person who made or branched or caused such sewer or drain to be made or branched in manner aforesaid.

[See also 25 & 26 *Vict. c.* 102, ss. 47—49.]

5. Any person making any sewer or branching any sewer or drain into any sewer vested in any vestry * or district board * without the approval in writing of such vestry * or district board * first had and obtained or otherwise than in accordance with the plan and section thereof, if any, approved by the Council under the provisions of the Metropolis Management Acts relative thereto, or causing any such sewer or drain to be so made or branched, shall be liable to a penalty not exceeding fifty pounds. The vestry * or district board * concerned may, by notice in writing to the owner or owners of the premises connected with the sewer or drain so improperly made or branched, or (if there are no such premises) of the land in which it is placed, require such owner or owners forthwith to remove such sewer or drain or to reconstruct the same at his or their expense to

Penalty in case of connexions with local sewers.

* Now the Council of the Metropolitan Borough. See 62 & 63 *Vict. c.* 14, s. 4.

the approval of such vestry * or district board * and in accordance with the plan and section approved as aforesaid, and in the event of such owner or owners failing to comply with the terms of such requisition, such owner or owners, as the case may be, shall be severally liable to a penalty not exceeding five pounds for every day during which he or they shall fail to comply therewith, and the vestry * or district board * may execute the works required and recover the costs and expenses thereof in a court of summary jurisdiction from the person who shall have made or branched or caused to be made or branched the sewer or drain, or from the owner or owners of the premises connected therewith, or (if there are no such premises) of the land in which it is placed.

Provided that if the premises of more than one owner are at the time of the commencement of the work by the vestry * or district board * connected with any such sewer, the costs and expenses thereof shall be apportioned amongst and recoverable from such owners in proportion to the rateable value of the premises respectively connected therewith.

Provided also that in the event of any such costs and expenses being paid to the vestry * or district board * by any such owner or owners, then such owner or owners shall be entitled to recover in a court of summary jurisdiction the amount so paid by them from the person who made or branched or caused such sewer or drain to be made or branched in manner aforesaid.

[See also 25 & 26 Vict. c. 102, ss. 47—49.]

Subsoil under a street road passage or way not to be removed without the consent of the vestry or district board or council.

6. Subject to the provisions of this Act, it shall not be lawful after the passing of this Act to form or lay out or to commence to form or lay out any street road passage or way over land from which sand gravel or other subsoil has been excavated or removed, until the site and subsoil of the street road passage or way has been properly levelled and made good to a sufficient depth with stones gravel or other suitable material to form a sound foundation, to the satisfaction of the vestry * or district board * to be expressed in writing, and it shall not be lawful to excavate remove or take away any sand gravel or subsoil from any land upon which any street road passage or way has been wholly or in part formed or laid out, or upon which it is intended to form or lay out any street road passage or way, except upon such conditions as to the levelling and making a proper foundation for the same as the vestry of the parish * or district board of the district * may in writing impose. Provided that this section shall not apply where no more sand gravel or subsoil has been or is intended to be excavated removed or taken away than is necessary to level or form a foundation for the paving metalling or flagging of any street road passage or way. If the vestry * or district board * shall refuse their approval in writing, or shall impose conditions, any company or person dissatisfied with such refusal or with such conditions may, within seven days from the date of receiving notice of such refusal or of such conditions, appeal to the Council, and such appeal shall stand referred to such committee of the Council as the Council may appoint, and such committee shall have power to confirm or reverse such refusal, or to vary the conditions imposed or impose such conditions as they may think fit, and their determination shall be final, and such committee may order any costs of such appeal to be paid to or by the vestry * or district board * or person appealing. Any company or

* Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

person forming or laying out, or commencing to form or lay out, any street road passage or way, or excavating removing or taking away any sand gravel or subsoil contrary to the provisions of this Act or to the conditions imposed by the vestry * or district board,* or on appeal by the Council, shall for every such offence be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding twenty shillings for every day after the first during which the offence is continued, or during which such excavation shall be permitted to remain without the consent in writing of the vestry * or district board * or on appeal of the Council.

Provided always that nothing in this section contained shall apply to any road passage or way formed or laid out, or to be formed or laid out, and intended to be maintained as a road passage or way not open to public use.

Provided also that nothing in this section contained shall prejudice or affect any existing rights of the owners of property fronting or abutting on any street, road, passage, or way, to excavate subsoil for the purpose of forming or constructing cellars, vaults, subways, or basements in connection with buildings erected on such property.

[See also 18 & 19 Vict. c. 120, s. 101, and note thereon.]

7. The surveyor of the vestry * or district board,* or other officer of the vestry * or district board,* or any officer appointed for that purpose by the Council, shall take care that the provisions of the preceding section are complied with, and that any conditions imposed by the vestry * or district board * or the Council in giving their consent in writing thereunder are observed.

Surveyor or other officer to see that conditions are observed.

8. Except so far as relates to any sewers vested in the Council, none of the provisions contained in this Act shall have any force or effect within the city of London.

Limited application of Act to city of London.

9. Penalties and expenses under this Act may be sued for and recovered either by the Council or by the vestry * or district board * concerned in the same manner as penalties under the Metropolis Management Act 1855 and the Acts amending the same. [See 18 & 19 Vict. c. 120, s. 227, and note thereon.]

Penalties and expenses.

10. [*Expenses of obtaining Act. Spent.*]

CHAPTER CCXLIII.

AN ACT TO CONFER FURTHER POWERS ON THE LONDON COUNTY COUNCIL FOR THE ACQUISITION AND MAINTENANCE OF PARKS AND OPEN SPACES AND AS TO LOCAL MANAGEMENT AND PROCEDURE AND TO MAKE VARIOUS PROVISIONS WITH REGARD TO BUILDINGS AND STREETS IN THE ADMINISTRATIVE COUNTY OF LONDON.

[18th August 1890.]

[Preamble recites (inter alia) that the London County Council have caused a plan (hereinafter referred to as "the plan of Brockwell Park") of certain lands in the parish of St. Mary Lambeth to be deposited with the Clerk of the Peace for the County of London.]

1. This Act may be cited as the London Council (General Powers) Act 1890.

* Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

Interpreta-
tion of terms.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

“The Council” means the London County Council;

“Street” has the meaning assigned to that term in the Metropolis Management Act 1855 and the Acts amending the same;

“Vestry” means the vestry of a parish* and “district board” means the board of works for a district* acting under the Metropolis Management Act 1855 and the Acts amending the same;

For the purposes of this Act the expression “Waterlow Park” means and includes the lands and properties known as Lauderdale House and grounds Fairseat House and grounds and Hertford House and grounds as expressed to be conveyed by the indentures set out in the Schedule A to this Act:

“The plan of Waterlow Park” means the plan signed by Sir Joseph Russell Bailey Baronet the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which plan one copy has been deposited at the Parliament Office of the House of Lords and one other copy has been deposited at the Private Bill Office of the House of Commons:

The expression “North Woolwich Gardens” means the lands described in Part V. of the Schedule A to this Act and delineated on the plan of North Woolwich Gardens:

“The plan of North Woolwich Gardens” means the plan thereof as signed by Sir Joseph Russell Bailey Baronet the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which plan one copy has been deposited at the Parliament Office of the House of Lords and one other copy has been deposited at the Private Bill Office of the House of Commons.

[*Parts omitted (definitions of “Justice,” “two Justices,” and “lessee,” and as to the meaning of “superior courts” and “court of competent jurisdiction” in the Lands Clauses Acts incorporated and in this Act) spent.*]

3. [*Incorporation of Lands Clauses Acts. Spent.*]

BROCKWELL PARK.

Power to purchase Brockwell Park.

4. The Council may purchase and take by agreement certain lands in the parish of Lambeth in the county of London known as Brockwell Park as shown on the plan of Brockwell Park and when the Council shall have acquired the same they shall hold the same and every part thereof as a park and shall lay out maintain and preserve the same and every part thereof as a park for the perpetual use thereof by the public for exercise and recreation and may from time to time exercise all necessary powers for the maintenance and preservation of the same as a park. Provided that the Council may if they think fit enclose the said lands or any part thereof with a view to the better or more effectual preservation thereof for public use and retain or remove alter enlarge or adapt any buildings thereon for any purpose which they may think conducive to the public benefit. [*See also 54 & 55 Vict. c. cxi. s. 54; and 1 Edw. 7, c. cclxxii. s. 44.*]

* Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

5. The Council may erect and maintain in the said park huts and lodges for the accommodation of keepers constables and other persons employed by the Council in connexion with the maintenance and management of the park and also such other convenient and ornamental buildings as they may think requisite for refreshment rooms band-stands conveniences and other like purposes. [See s. 21, and see also 50 & 51 Vict. c. cvi. s. 50 ; and 58 & 59 Vict. c. exxvii. s. 45.] Power to erect certain buildings.

6. [As to contributions towards the acquisition of such lands by the Vestries of Lambeth, Saint Mary Newington, and Camberwell. Spent.]

7. [As to stamping of purchase deed. Spent.]

8. Notwithstanding anything in the Mortmain and Charitable Uses Act 1888 or any other Act to the contrary Waterlow Park shall as from the passing of this Act vest and remain vested in the Council for all the estate and interest held or possessed by Sir Sydney Waterlow Baronet therein or to which he was entitled on the sixteenth day of December one thousand eight hundred and eighty-nine and the indentures of that date set out in Parts I. and II. of Schedule A to this Act and the indenture of covenant set out in Part III. and the indenture of declaration and agreement set out in Part IV. of the said schedule shall as from the passing of this Act have full force and effect and be binding on the said Sir Sydney Waterlow his heirs executors and administrators and the Council in accordance with the terms thereof respectively and the Council shall have power by agreement to purchase or otherwise acquire and to hold the freehold in reversion expectant upon the determination of the said lease of Fairseat House of the twenty-fifth day of August one thousand eight hundred and sixty-five. Acquisition of Waterlow Park.

9. Whereas that portion of Waterlow Park hitherto called or known as Fairseat House coloured brown on the plan of Waterlow Park being the messuage lands and premises conveyed to the Council by the indenture of the sixteenth day of December 1889 set out in the second part of Schedule A to this Act is held under a lease dated the twenty-fifth day of August 1865 which contains a covenant by the lessee not to permit the premises or any part thereof to be used in any other manner than as and for a private residence which covenant the Council have by the indenture set out in the third part of the said schedule covenanted to observe and perform And whereas until the Council have acquired the reversion expectant on the determination of the said lease or have obtained a release from the said covenant the said premises cannot be used save in the manner aforesaid but the Council are not authorised to let the same for such purposes Be it therefore enacted that it shall be lawful for the Council to let the said messuage and premises or any part thereof for such time and on such terms and conditions as the Council shall think fit but subject during the continuance of the said lease to the terms of the said covenant by the lessee. Power to Council to let Fairseat House.

10. (1) The Council may contribute towards the purchase money of North Woolwich Gardens such sum or sums of money as they may think fit and may acquire North Woolwich Gardens and from and after the acquisition thereof by the Council the Council shall hold the same and every part thereof as a public garden or recrea- Acquisition of North Woolwich Gardens.

tion ground and shall lay out maintain and preserve the same and every part thereof for that purpose.

[Part omitted (power to the Council to advance the contribution agreed to be made by the Charity Commissioners towards such purchase, but such advance to be repaid by the Commissioners to the Council) spent. See also 54 & 55 Vict. c. cevi. s. 56.]

Power to manage Waterlow Park and North Woolwich Gardens.

11. The Council may from time to time exercise all necessary powers for the maintenance and preservation of Waterlow Park for the purposes mentioned in the said indentures set out in Schedule A to this Act and also for the maintenance and preservation of North Woolwich Gardens as a place of public resort and recreation and as a park and may if they think fit enclose the said lands or any part thereof with a view to the better or more effectual preservation thereof for the said purposes and may retain or remove alter enlarge or adapt any buildings thereon for any purpose which they may think conducive to the public benefit in accordance with the provisions of this Act and the indentures set out in the said schedule.

Power to erect certain buildings.

12. The Council may erect and maintain in Waterlow Park and North Woolwich Gardens respectively huts and lodges for the accommodation of keepers constables and other persons employed by the Council in connexion with the maintenance and management of the said park and gardens. *[See note on s. 5.]*

County Council not to interfere with the River Thames.

13. Nothing in the provisions of this Act relating to North Woolwich Gardens shall authorise or empower the Council to embank encroach upon or interfere in any manner with any part of the bed soil or shores of the River Thames without the consent in writing of the Conservators of the River Thames.

BYELAWS (PARKS AND OPEN SPACES).

Consolidation of byelaws as to parks and open spaces.

14. It shall be lawful for the Council from time to time to make alter and repeal in relation to the parks gardens and open spaces vested in or under the control of the Council byelaws for all or any of the purposes for which under sections 3 and 4 of the Metropolitan Board of Works Act 1877 they are authorised to make byelaws whether as regards the parks or the heaths and commons as referred to and defined in that Act which purposes shall (without restricting the generality of this enactment) be deemed to extend to and include the various matters set out in Schedule B to this Act:

For the purpose of this part of this Act and of the Schedule B to this Act the expression "park garden or open space" includes every park heath common recreation ground garden ornamental enclosure or open space now or hereafter vested in or under the control of the Council. *[See also 61 & 62 Vict. c. ccxxi. s. 61.]*

Application of byelaws.

15. It shall be lawful for the Council from time to time by resolution to apply all or any of the said byelaws to any park garden or open space as from a date to be specified in such resolution and as from the date at which by such resolution such byelaws shall be applied to any park garden or open space all other byelaws of the Council relative to such park garden or open space in force at the date of such resolution shall cease to be of any effect.

Byelaws as to prohibition of drill.

16. No such byelaw which shall extend to the prohibition of military drill on any heath or common shall have any force until it has received the sanction of the Secretary of State for War nor shall

any such byelaw restrict any rights or powers of the said Secretary of State over any park garden or open space in any case of national danger or emergency.

17. The Council may from time to time authorise in writing any of their officers to enforce byelaws made under this part of this Act and may procure any such officers to be sworn in as constables. Appointment of constables.

18. Any constable or any officer of the Council authorised in writing to enforce byelaws made under this part of this Act and any person called to the assistance of such constable or officer may without other warrant than this Act seize and detain any person committing or having committed any offence against any such byelaw whose name or residence is unknown to and cannot be ascertained by such constable or officer and take him to a police station or before a justice to be dealt with according to law. Provided that any officer of the Council acting under this part of this Act and not being a constable in uniform shall have with him a written authority from the Council to act and shall produce the same if required. Arrest of transient offenders.

19. With respect to byelaws under this part of this Act the following provisions shall apply:— Allowance of byelaws by Secretary of State.

- (1) The provisions of the Metropolis Management Act 1855 respecting the making contents confirmation approval publication and evidence of byelaws and of proceedings before Justices and recovery of penalties thereunder shall extend and apply to such byelaws and such byelaws shall be deemed byelaws within the Metropolis Management Act 1855 and Acts amending the same except that the penalty imposed by such byelaws for each breach of the same may be a sum not exceeding five pounds. [*See 18 & 19 Vict. c. 120, ss. 202 and 203.*]
- (2) A resolution applying all or any of such byelaws to any park garden or open space shall not have any force unless and until such application be allowed by one of Her Majesty's principal Secretaries of State;
- (3) The application of such byelaws to any park garden or open space shall not be allowed until notice of the intention to apply for allowance thereof and of the effect of this section has been published by the Council one month at least before the application by advertisement in two morning daily papers published in London;
- (4) During one month at least before the application of such byelaws to any park garden or open space is allowed a copy of the byelaws to be submitted for allowance shall be kept at the office of the Council open for inspection by persons interested and the Council shall furnish a printed copy thereof to every person applying for the same on payment of a sum not exceeding one shilling for each copy and a printed copy of byelaws of the Council under this Act authenticated by their seal shall be conclusive evidence of the existence contents due making confirmation publication and allowance thereof without proof of such seal or of any other thing.

20. Nothing in any such byelaws shall prejudice or affect any rights of the East London Waterworks Company* with reference to any reservoir or lines of pipes in Finsbury Park under any agreement Saving rights of East London Water Company.

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

between such company and the Metropolitan Board of Works or any right or privilege of the said company of access for any purposes for which they now have such rights or privileges to their existing mains pipes or works in Finsbury Park Victoria Park Stoke Newington Common and Millfields (Hackney) or of opening lands in any parks or open spaces in which any of their said mains pipes or works may be situate or laid.

Music in
parks.

21. It shall be lawful for the Council to maintain one or more public bands to provide music in parks gardens or open spaces under the control of the Council or to make contributions by way of subsidy to any such band or bands and they may provide and maintain stands and other conveniences for the purposes of such bands and seats and chairs. [*See also 56 & 57 Vict. c. ccxxi. s. 18.*]

22. [*Power to the Council to provide mortuaries. Rep. 54 & 55 Vict. c. 76, s. 142.*]

PROCEDURE AND CONDUCT OF BUSINESS.

As to cases
in which
councillors
representing
the city may
act as chair-
man.

23. Notwithstanding anything contained in section 41 paragraph (6) of the Local Government Act 1888 it shall be lawful for the chairman vice-chairman or deputy chairman of the Council or any councillor acting as chairman in their absence to act in the capacity of chairman on any question arising before the Council although they may be councillors elected for the city of London and although the question may regard matters involving expenditure in respect of which the parishes in the city are not for the time being liable to be assessed equally with the rest of the county to county contributions but this section shall not be construed to confer any power of voting. [*See also 56 & 57 Vict. c. ccxxi. s. 10.*]

24. [*As to loans to vestries and district boards in connection with mortuaries. Rep. 54 & 55 Vict. c. 76, s. 142.*]

Purchase of
land by
agreement
for artisans
schemes.

25. Where for the purpose of improving or adding to any area included in an improvement scheme under the Artisans and Labourers Dwellings Improvement Act 1875* authorised by a confirming Act the Council shall find it expedient to acquire any additional lands adjoining such area it shall be lawful for the Council with the consent of the confirming authority to purchase such additional lands accordingly by agreement and to pay the costs and expenses thereof in the same manner as the costs and expenses of such improvement scheme.

SUNDRY POWERS AND PROVISIONS.

Exempting
members of
council from
juries.

26. Members of the Council shall be exempt from service on any jury within the administrative county of London.

27—31. [*Approval of plans under the Metropolitan Building Act 1855—Appointment of a tribunal of appeal in respect of the general line of buildings under 18 & 19 Vict. c. 120 and amending Acts—Amendment of s. 27 (4) of the Metropolitan Building Act 1855—Defining the centre of the roadway for the purposes of this Act and 18 & 19 Vict. c. 120 and amending Acts—As to byelaws with reference to plastering materials and certain excavations. Rep. 57 & 58 Vict. c. ccxiii. s. 215. See ibid. ss. 5 (4), 25, 75, 164, 175, and 195.*]

Notice to be
given to
vestry or

32. Every person who shall intend to build or take down any house building or wall (not being within the city of London) within

* Rep. and replaced by the Housing of the Working Classes Act 1890.

ten feet of any public thoroughfare shall give notice of such intention to the vestry* or district board* of the parish or district in which such house building or wall is situate and shall before commencing to build or take down any such house building or wall cause to be put up such hoard or fence with a convenient platform and hand-rail (if there be room enough) for the same to serve as a footway for passengers outside of such hoard or fence as the vestry* or district board* may think to be proper and sufficient and shall continue such hoard or fence and such platform and handrail standing and in good condition to the satisfaction of the vestry* or district board* during the building or taking down of any such house building or wall unless the vestry* or district board* shall give their consent in writing to its previous removal and shall when required so to do by the vestry* or district board* cause such hoard or fence and such platform and handrail to be well lighted from sunset to sunrise:

district board
of building or
demolishing
any house
building or
wall.

Every person who fails to give such notice to the vestry* or district board* or who commences to build or take down any such house building or wall without causing to be put up such hoard or fence with or without such convenient platform and handrail or who does not continue such hoard or fence with or without such convenient platform and handrail in good condition to the satisfaction of the vestry* or district board* as aforesaid or who does not when required so to do cause such hoard or fence with or without such platform and handrail to be well lighted from sunset to sunrise shall for every such offence be liable to a penalty not exceeding five pounds and a further penalty not exceeding forty shillings for every day on which such offence shall continue after conviction thereof such penalties to be recovered by summary proceeding.

[See also 18 & 19 Vict. c. 120, s. 121.]

33—37. [*Extension of s. 75 of 18 & 19 Vict. c. 120 as to buildings in more than one street—As to extending buildings within certain distances from the centre of public carriageways and public footways—As to laying out new carriageways—Limiting heights of buildings—Exemption of Government buildings. Rep. 57 & 58 Vict. c. ccxiii. s. 215. See ibid. ss. 17, 47, and 202.*]

38. [*Power to the Council to expend not exceeding £5,000 on inquiries as to the supply of water by companies supplying in or near London. Spent. See also 55 & 56 Vict. c. cxxx. s. 3.*]

39. Any person found within or attempting to enter any sewer of the Council without their permission shall be liable to a penalty of not exceeding forty shillings or in default to imprisonment for not exceeding one month and it shall be lawful for any officer of the Council to eject and remove any such person from any such sewer and in the event of the name and address of such person not being known to detain him and hand him over to any police constable and any such person may be dealt with before any court of summary jurisdiction in accordance with the Summary Jurisdiction Acts. [See also 56 & 57 Vict. c. cxxxi. s. 23.]

As to
trespassers
in sewers.

40. All penalties which may be recovered under any of the bye-laws made by the Council under the powers of this Act shall notwithstanding anything contained in an Act made and passed in the session holden in the second and third years of the reign of Her present Majesty chapter 71 or in any other Act or Acts to the

Penalties
under bye-
laws to be
paid to
Council.

* Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

contrary be paid to the Council and may be carried by them to the credit of the county fund.

As to pay-
ments under
this Act.

41. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (expenses of obtaining Act) spent.*]

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

PART I.

THIS INDENTURE made the sixteenth day of December one thousand eight hundred and eighty-nine between Sir SYDNEY HEDLEY WATERLOW of No. 29 Chesham Place in the county of London Baronet of the one part and the COUNTY COUNCIL OF THE ADMINISTRATIVE COUNTY OF LONDON (herein-after called "the Council") of the other part.

WHEREAS the said Sir Sydney Hedley Waterlow is seised of and entitled to the hereditaments herein-after expressed to be hereby conveyed for an estate of inheritance in fee simple in possession free from incumbrances :

And whereas the said Sir Sydney Hedley Waterlow in consideration of his affection for the great city in which he has worked for more than half a century desires to present as a free gift to the Council the said hereditaments herein-after expressed to be hereby conveyed for the purpose of a public park for the people in perpetuity :

Now this indenture witnesseth that for effectuating his said desire he the said Sir Sydney Hedley Waterlow as beneficial owner hereby conveys unto the Council their successors and assigns—

First all that message or dwelling-house called or known as Hertford House and the lawn garden or meadow ground yard stable and coach-house thereunto belonging situate at Highgate in the parish of Saint Pancras in that part of the county of London which was formerly in the county of Middlesex and containing together 4a 3r. 14p. or thereabouts and delineated on the plan drawn in the margin of these presents and therein coloured blue And secondly all and singular the capital message or tenement called or known by the name of Lauderdale House and the gardens pleasure grounds stables and coach-houses and other buildings thereto belonging and the several closes or pieces of land adjoining thereto situate at Highgate aforesaid and delineated in the plan and therein coloured pink which secondly described premises with certain buildings since pulled down were formerly described as "all that capital message or tenement called or known by the name of Lauderdale House situate at Highgate in the parish of Saint Pancras in the county of Middlesex and also so much of a piece of ground containing in breadth 1 pole 14½ feet or thereabouts and of another piece of ground containing in length 14 poles or thereabouts as are in front of the said capital message and premises and also the pleasure garden to the said message belonging on the east south and west sides thereof and one kitchen garden adjoining to the said pleasure garden at the south side thereof formerly called the upper kitchen garden as the same premises were formerly in the occupation of William Gittens And also all that tenement some time since converted into a message called Elms Court (but then pulled down) with the coach-house stable buildings and outbuildings thereto belonging and the garden fishpond and grounds adjoining the same And all those several closes of land containing 17 acres more or less as the same message and premises or some parts thereof were formerly in the occupation of Dr. Benjamin Duncan afterwards Addison and as the whole thereof were some time since in the occupation of Thomas Howe Esq. his assigns or under tenants And also all that capital message or tenement situate at Highgate aforesaid together with the gardens and appurtenances thereto belonging in the occupation of Flexmore Deakins afterwards of Mary Charnells and Parden afterwards of

Ware after that of Sarah Walker and subsequently of Eliza Walker spinster and then or late in the occupation of Mr. Duckham and also all that plot or parcel of land formerly belonging to the London Cemetery Company bounded by the middle line of a certain public footway and lying to the north eastward and northward of such middle line :

“ And also all that piece or parcel of ground formerly part of the waste of the manor of Cantlowes situate at Swains Lane Highgate within the same manor adjoining to a piece of garden ground there formerly occupied by Charles Lyne as the said piece of waste land was enclosed and holden of the said manor by the yearly quitrent of two shillings and sixpence together with the messuage formerly two cottages or tenements erected thereon by the said Charles Lyne deceased and then or theretofore in the occupations of William Underwood and Ann Smith spinster and then of the General Cemetery Company ” :

To hold the said hereditaments and premises herein-before expressed to be hereby conveyed unto and to the use of the Council their successors and assigns in fee simple to the end and intent that the same premises shall and may for ever hereafter be used and enjoyed as and for a public park to be dedicated to the recreation of the public with or without a public museum or public museums as defined by the Mortmain and Charitable Uses Act 1888.

In witness whereof the said Sir Sydney Hedley Waterlow hath hereunto set his hand and seal and the Council have caused their common seal to be hereunto affixed the day and year first before written.

SYDNEY H. WATERLOW.

L.S.

Signed sealed and delivered by the within-named Sir Sydney Hedley Waterlow in the presence of

JAMES ROBERT PIKE, Solicitor,
 25 Austin Friars.
 GEORGE R. RAND, Solicitor,
 14 Spring Gardens, S.W.

PART II.

THIS INDENTURE made the sixteenth day of December one thousand eight hundred and eighty-nine between Sir SYDNEY HEDLEY WATERLOW of No. 29 Chesham Place in the county of London Baronet of the one part and the COUNTY COUNCIL OF THE ADMINISTRATIVE COUNTY OF LONDON (herein-after called “ the Council ”) of the other part.

WHEREAS by an indenture dated the twenty-fifth day of August 1865 and made between Jane Bloxam Louisa Bloxam and Emily Bloxam (therein-after called “ the lessors ”) of the first part John Killick of the second part and the said Sir Sydney Hedley Waterlow (therein-after called “ the lessee ”) of the third part all that capital messuage or dwelling-house with the forecourt hot-house green-house garden pleasure ground orchard yard stables coach-house edifices buildings and appurtenances thereto belonging containing altogether by recent admeasurement including the site of buildings 2a. 2r. 15p. or thereabouts as the same were then occupied by the said lessee which buildings however did not include two several buildings the property of the said lessee and then standing on part of the demised premises one whereof partly wood and partly glass was used as a billiard room and the other building chiefly glass and used as a fernery or conservatory which two buildings the said lessee his executors administrators and assigns were to be at liberty to remove during or at the end of the said term making good all damage done all which premises were at Highgate on the south-west side of the road leading from Holloway to Highgate together with the appurtenances (except all minerals quarries gravel brick earth and marl being in or under the said premises or any part thereof but not so as to enable the said lessors or either of them to dig for remove take away or use such minerals at any time during the said term) were demised unto the said lessee his executors administrators and assigns for the term of fifty-nine and three-quarter years from the 24th day of June 1865 at the yearly rent of £180 and subject to covenants by the lessee and conditions therein contained :

And whereas the said Sir Sydney Hedley Waterlow in consideration of his affection for the great city in which he has worked for more than half a century desires to present as a free gift to the Council the hereditaments herein-after expressed to be hereby conveyed for the purpose of a public park for the people :

Now this indenture witnesseth that for effectuating his said desire he the said Sir Sydney Hedley Waterlow as beneficial owner hereby conveys unto the Council their successors and assigns All and singular the capital messuage land hereditaments and premises by the herein-before recited indenture of lease expressed to be demised (the site of which premises is delineated in the plan drawn in the margin

of these presents and is therein coloured green) to hold the same unto the Council their successors and assigns for the residue of the said term of fifty-nine and three-quarter years at the rent reserved by and subject to the covenants by the lessee and conditions contained in the herein-before recited indenture of lease and henceforth to be paid and performed and observed. Nevertheless to the end and intent that the same premises shall and may at all times during the whole residue of the said term be used and enjoyed as and for a public park to be dedicated to the recreation of the public with or without a public museum as defined by the Mortmain and Charitable Uses Act 1888:

And the Council hereby covenant with the said Sir Sydney Hedley Waterlow his heirs executors and administrators that they the Council their successors or assigns will henceforth indemnify the said Sir Sydney Hedley Waterlow his heirs executors and administrators against all actions proceedings costs damages claims and demands and liability for the non-payment of the said rent or any part thereof or the breach or non-performance or non-observance of the said covenants or any of them.

In witness whereof the said Sir Sydney Hedley Waterlow hath hereunto set his hand and seal and the Council have caused their common seal to be hereunto affixed the day and year first before written.

SYDNEY H. WATERLOW.

L.S.

Signed sealed and delivered by the within-named Sir Sydney Hedley Waterlow in the presence of

JAMES ROBT. PIKE, Solicitor,
25, Austin Friars.

GEORGE R. RAND, Solicitor,
14, Spring Gardens, S.W.

PART III.

THIS INDENTURE made the sixteenth day of December one thousand eight hundred and eighty-nine between Sir SYDNEY HEDLEY WATERLOW of 29 Chesham Place in the county of London Baronet of the first part the COUNTY COUNCIL OF THE ADMINISTRATIVE COUNTY OF LONDON (hereinafter called "the Council") of the second part and WILLIAM TUCKER BLOXAM of No. 1 Lincoln's Inn Fields in the county of London Solicitor of the third part.

WHEREAS by an indenture of lease dated the twenty-fifth day of August 1865 and made between Jane Bloxam Louisa Bloxam and Emily Bloxam of the first part John Killick of the second part and the said Sir Sydney Hedley Waterlow of the third part certain hereditaments including a messuage or dwelling-house now known as Fairseat House situate at Highgate in that part of the county of London which was at the date of the said indenture of lease in the county of Middlesex were demised unto the said Sir Sydney Hedley Waterlow his executors administrators and assigns for the term of fifty-nine and three-quarter years from the twenty-fourth day of June 1865 at the yearly rental of £180 and subject to the covenants by the lessee and conditions therein contained and by the said indenture it was covenanted or provided that in case the lessee his executors administrators or assigns should at any time during the term wish to let set demise assign or in any way part with the demised premises or any part thereof or the indenture now in recital for all or any part of the term the lessee his executors administrators and assigns should be at liberty so to do on condition that the person or persons to whom such premises or the indenture now in recital should be so let set demised or assigned became party or parties to an indenture or indentures and thereby covenanted to be answerable or accountable to the said lessors their heirs and assigns for the observance and performance of the covenants in the indenture now in recital contained on the part of the lessee but so nevertheless that the provision lastly before contained should not extend to an assignment or demise by way of mortgage nor to a bequest by will nor to an under-lease for a term not exceeding twenty-one years at the then fair annual rackrent. And it was thereby further provided that nothing in such indenture or indentures to be contained should be construed to discharge or release the said lessee his heirs executors or administrators from the covenants therein contained on the parts and behalves of the said lessee his heirs executors administrators or assigns. And such indenture also contained

a covenant by the lessee that he his executors administrators and assigns should not at any time during the term without the license or consent in writing of the said lessors their heirs or assigns under their hands specially obtained for that purpose use exercise or carry on or permit or suffer to be used exercised or carried on in or upon the said premises or any part thereof any trade or business whatsoever or otherwise permit or suffer the same premises or any part thereof to be used occupied or inhabited in any other manner than as and for a private residence under pain of paying by way of forfeiture nomine pœne ten pounds per month during such time as the same premises or any part thereof should be used occupied or inhabited contrary to that covenant :

And whereas the said Jane Bloxam Louisa Bloxam and Emily Bloxam being seized of the copyhold or customary messuage hereditaments and premises demised by the said recited lease by a surrender dated the sixth day of February 1871 surrendered the same into the hands of the lord of the manor to the use of the said William Tucker Bloxam party hereto his heirs and assigns for ever according to the custom of the manor whereof the same was and is held :

And whereas on the said sixth day of February 1871 the said William Tucker Bloxam was duly admitted tenant of the said copyhold hereditaments and premises and the said William Tucker Bloxam became and still is entitled to the copyhold reversion of the said demised premises expectant on the determination of the said lease and to the benefit of the covenants and provisions therein contained :

And whereas the said John Killick party to the said recited lease died on the sixth day of June 1874 :

And whereas by an indenture bearing even date with and executed before the execution of these presents and made between the said Sir Sydney Hedley Waterlow of the one part and the Council of the other part the said Sir Sydney Hedley Waterlow has conveyed the lands hereditaments and premises comprised in the said indenture of lease unto the Council their successors and assigns for the residue of the said term at the rent and subject to the covenants by the lessee and conditions contained in the said indenture of lease :

And whereas the said Sir Sydney Hedley Waterlow in pursuance of the covenant or provision in this behalf contained in the said indenture of lease has requested the Council to enter into such covenant with the said William Tucker Bloxam as herein-after contained which they have agreed to do in accordance with the provision contained in the said recited indenture of lease :

Now this indenture witnesseth that in pursuance of the said agreement in this behalf and in consideration of the premises the Council hereby covenant with the said William Tucker Bloxam his heirs and assigns that they the Council their successors or assigns will henceforth pay the rent reserved by and observe and perform the covenants and conditions by the lessee contained in the herein-before recited indenture of lease and by and on the part of the lessee his executors administrators or assigns henceforth to be paid observed and performed Provided always and it is hereby expressly agreed and declared that nothing herein contained shall in anywise prejudice the rights of the said William Tucker Bloxam his heirs or assigns or in anywise release the said Sir Sydney Hedley Waterlow his heirs executors or administrators from the covenants and provisions contained in the said recited indenture of lease.

In witness whereof the parties hereto of the first and third parts have hereunto set their hands and seals and the Council have caused their common seal to be hereunto affixed the day and year first above written.

SYDNEY H. WATERLOW.

L.S.

Signed sealed and delivered by the within-named Sir Sydney Hedley Waterlow in the presence of

(Signed)

JAMES ROBT. PIKE, Solicitor,
25, Austin Friars.

GEORGE R. RAND, Solicitor,
14, Spring Gardens, S.W.

Sealed by order,

H. DE LA HOOKE,
Clerk to the Council.

L.S.

PART IV.

THIS INDENTURE made the sixteenth day of December one thousand eight hundred and eighty-nine between SIR SYDNEY HEDLEY WATERLOW of No. 29 Chesham Place in the county of London Baronet of the one part and the COUNTY COUNCIL of the ADMINISTRATIVE COUNTY OF LONDON (herein-after called "the Council") of the other part.

WHEREAS by an indenture bearing even date with but executed before these presents and made between the said Sir Sydney Hedley Waterlow of the one part and the Council of the other part certain freehold messuages lands and hereditaments situate at Highgate in the parish of Saint Pancras in that part of the county of London which was formerly in the county of Middlesex have been conveyed by the said Sir Sydney Hedley Waterlow unto and to the use of the Council their successors and assigns in fee simple for the purpose of a public park to be dedicated to the recreation of the public with or without a public museum or public museums as defined by the Mortmain and Charitable Uses Act 1888 :

And whereas by another indenture bearing even date with and executed before these presents and made between the said Sir Sydney Hedley Waterlow of the one part and the Council of the other part certain leasehold hereditaments situate at Highgate aforesaid including a messuage known as Fairseat House have been assigned by the said Sir Sydney Hedley Waterlow to the Council their successors and assigns for the residue of a term of fifty-nine and three-quarter years from the twenty-fourth day of June 1865 granted by an indenture of lease dated the twenty-fifth day of August 1865 and made between Jane Bloxam Louisa Bloxam and Emily Bloxam of the first part John Killick of the second part and the said Sir Sydney Hedley Waterlow of the third part subject to the rent and the covenants by the lessee therein reserved and contained and thenceforth to be performed and observed as and for the purpose of a public park to be dedicated to the recreation of the public with or without a public museum as so defined as aforesaid :

And whereas it was recited in the said indentures that the said Sir Sydney Hedley Waterlow in consideration of his affection for the great city in which he had worked for more than half a century desired to present as a free gift to the Council the said hereditaments thereby conveyed for the purpose of a public park for the people in perpetuity :

And whereas for better enabling his said desire to be carried into effect the said Sir Sydney Hedley Waterlow has paid to the Council the sum of six thousand pounds to the intent that the same may be held and applied as herein-after mentioned :

Now this indenture witnesseth that for effectuating the said desire of the said Sir Sydney Hedley Waterlow and in consideration of the premises it is hereby agreed and declared that the said sum of six thousand pounds shall be applied by the Council for all or some or one of the purposes herein-after mentioned or partly for one and partly for others of such purposes as the Council may think fit namely :—

- (A) In or towards the acquisition by purchase for the purposes of the said public park of the copyhold reversion expectant upon the said lease of the said hereditaments comprised therein.
- (B) In or towards the acquisition by purchase or enfranchisement for the purposes of the said public park of the freehold and inheritance of and in the same hereditaments.
- (C) In or towards the laying out or otherwise maintaining all or any of the said hereditaments comprised in the herein-before recited indentures of even date as such public park as aforesaid with or without such public museum or museums as aforesaid in such manner as the Council may think proper.

In witness whereof the said Sir Sydney Hedley Waterlow hath hereunto set his hand and seal and the Council have caused their common seal to be hereunto affixed the day and year first before written.

SYDNEY H. WATERLOW,

L.S.

Signed sealed and delivered by the within-named Sir Sydney Hedley Waterlow in the presence of

JAMES ROBERT PIKE, Solicitor,
25, Austin Friars.
GEORGE R. RAND, Solicitor,
14, Spring Gardens, S.W.

PART V.

Certain land about ten acres in extent known as North Woolwich Gardens abutting on Ferry Road Woolwich and the River Thames near North Woolwich Station situate partly in the parish of East Ham in the county of Essex and partly in the parish of Woolwich in the county of London and bounded on the north by the back premises of the houses facing Albert Road on the east by the Barge Dock and Woolwich Manor Way on the south by the River Thames and on the west by the Hotel Grounds the Ferry Road and the piece of vacant land at the junction of Ferry Road and Albert Road.

SCHEDULE B.

LONDON COUNCIL.

SUBJECTS OF GENERAL BYELAWS FOR PARKS GARDENS AND OPEN SPACES.

1. Removing or injuring any of the fountains statues monuments busts posts chains railings fences seats barriers gates lamps lamp-posts notice-boards or plates watch-boxes houses buildings sheds urinals waterclosets military or other flags marks or signals magazines rifle-butts signals mantlets military appliances or other matters or things or defacing or disfiguring the same by posting or affixing in any way any bill placard or notice or cutting or writing stamping printing drawing or marking on any property of the Council.

2. Cutting digging up felling burning plucking breaking climbing up or upon or doing damage or injury to timber or to any trees shrubs brushwood fencing posts poles plants flowers grass gorse heather furze fern or turf or going or attempting to go within any temporary inclosure formed for the purpose of reviving or renewing the turf or into any part which is closed for repairs or alterations.

3. Committing any encroachment or making any enclosure.

4. Erecting or placing any post rail fence photographic apparatus pole peg spike tent booth screen stand swing or any building erection or obstruction of any kind whatsoever without the consent of the Council under the hand of their clerk.

5. Using any part for shaking or beating any carpet mat or other thing or as a drying or bleaching ground by placing clothes or other things on any of the trees or bushes or on the turf grass or ground or putting up any pole or line or other support for clothes or other articles or for shaking beating or brushing carpets mats or other things.

6. Committing any nuisance in or on any park garden or open space or against any of the trees shrubs walls railing fences magazines butts or mantlets or under any arch or in any lake or river therein or thereon.

7. Depositing or leaving in or on any park garden or open space or in any lake river or pond therein or thereon any timber bricks sand stone refuse rubbish paper manure snow dead animals or other matter or things or removing ice from any lake river or pond or fishing with net or rod therein or in any other way interfering with the fish or waterfowl or bathing or washing any dog or other animal or allowing any such dog or other animal to swim in any lake river or pond.

8. Going or attempting to go on any pond lake or river when it is frozen after notice that the ice is dangerous has been affixed in a prominent place by the Council's officers or the police or damaging ice or interfering with skating or sliding.

9. Bathing except at such places and within such hours (if any) as may be prescribed by the Council or washing or washing clothes or any other thing in any lake river pond or water or in any trough or other thing.

10. Taking digging cutting damaging or removing any grass gorse furze fern heather timber trees brushwood gravel sand sods bog-earth clay turf mould soil or other substance without right or without the consent of the Council in writing under the hand of their clerk.

11. Lighting any fire burning or doing any act which might cause any timber wood brushwood gorse heather furze fern paper rubbish or other substance to be burned or sorting rags or matter of like nature or mending any chair or other article or causing a litter.

12. Plying for hire with or letting out any horse pony mule ass goat or other animal or using any part of a park garden or open space as a standing-place for any horse pony mule ass goat or other animal or for any carriage or goat-chaise without a license from the Council or at times other than those named in such license.

13. The manner of wearing any badge to be supplied by the Council to persons licensed by them.

14. Transferring or lending such badge to any other person or not returning the same after the owner's license has been revoked.

15. Using as standing-places for saddle-horses ponies mules asses goats or other animals or for carriages or goat-chaises any portion of the above-mentioned places except that set apart for the purpose (if any) and marked on duplicate plans deposited at the offices of the Council Spring Gardens and with the officers in charge of the above-mentioned places or not fastening such animals to the inside railing of such standing-place or being outside such railing for the purpose of plying for hire.

16. Turning out to graze or feed or allowing or suffering to stray or remain any cattle sheep swine horse ass mule goose duck fowl or other animal without right or without the consent of the Council in writing under the hand of their clerk.

17. Unlawfully constructing or laying any sewer drainpipe or waterway or other matter of like nature.

18. Making or forming any new road or path over or across the parks without the consent of the Council in writing under the hand of their clerk.

19. Bird-catching bird-trapping or laying or placing any net or trap for the taking of birds taking birds eggs or nests or shooting or chasing or attempting to shoot or chase any bird game or animal or throwing any stone or stick or other missile with intent to injure or catch any bird game or animal.

20. Firing any gun pistol revolver or other firearm loitering with any firearm discharging any fireworks or throwing any stone or stick or other missile or playing or making sounds on any musical instrument without the consent of the Council in writing under the hand of their clerk or doing anything which may endanger the public or be deemed a nuisance obstruction or annoyance to the public or gambling playing at any game of chance betting or playing with cards or dice.

21. Brawling fighting quarrelling cursing swearing or using indecent or improper language or holding or taking part in any running fighting boxing wrestling or walking match on or in the parks sleeping on any of the seats or sleeping sitting or resting in an indecent posture or being disorderly or wilfully or designedly doing any act which outrages public decency or which comes within the meaning of the 4th section of the Vagrant Act 5 George IV. cap. 83 whether the offence shall have been or be committed with intent to insult any female or not.

22. Drawing driving standing or placing any gun or gun-carriage limber or waggon cart carriage van velocipede bicycle tricycle truck wheelbarrow or vehicle on or across the ground or turf on or over any footpath or in any shrubbery or taking or driving any omnibus cart or business conveyance in any of the parks or gardens which are closed at night or on such roads as to which the use is restricted by the Council to light traffic without the consent of the Council in writing under the hand of their clerk.

23. Riding or driving above the rate of eight miles per hour or so as to endanger the public or riding leading lunging or breaking-in any horse ass mule or other animal on over or across the turf or any footpath or except where sanctioned by the Council or especially allowed by Act of Parliament which places (if any) are defined by notices and are shown on plans deposited with the officers in charge.

24. Exercising as volunteers or playing or making preparations to play at cricket football golf or any other game without the consent of the Council in writing under the hand of their clerk except on the parts (if any) set apart for games or military exercises.

25. Interfering with obstructing or annoying any person or persons who are exercising as volunteers or are playing or have made preparation to play at cricket football golf or other game with the consent of the Council in writing under the hand of their clerk or in pursuance of any general authority or as defined by Act of Parliament.

26. Delivering uttering or reading any public speech lecture prayer scripture sermon or address of any kind or description whatever or singing any sacred or secular song or entering into any public discussion maintaining the right to deliver utter or read any public speech lecture prayer scripture sermon or address or holding or causing or taking part in any public assemblage except between sunrise and sunset and on the site or sites (if any) approved by the Council which site or sites shall be defined by notice-boards and also be shown on duplicate plans deposited at the Home Office and at the offices of the Council.

27. Soliciting or gathering money or other thing except within the limits of the site or sites upon which public meetings are allowed to be held. [*Amended by 61 & 62 Vict. c. ccxxi. s. 61.*]

28. Refusing to leave any park or garden which is closed to the public at night or at or after the time of closing the gates in the evening if requested to do so by any officer or police constable or wilfully remaining in such park or garden after the gates are closed in the evening or climbing on or over the gates fences or railings.

29. Selling any article or distributing any bill or like thing without the consent of the Council in writing under the hand of their clerk.

30. Taking into or on any portions of any park or garden which are closed at night any dog or dogs not being led by a chain or string or other sufficient fastening.

31. The regulation of waterclosets urinals or other convenience and the charges to be made in respect thereof.

32. Excluding or removing hawkers (whether licensed or not) gipsies beggars and rogues and vagabonds.

33. Assaulting or resisting or aiding or inciting any person to assault or resist any officer of the Council or other person in the execution of his duty or the lawful exercise of any authority.

34. Fixing the penalties for breaches of byelaws and for defining offences.

35. Defining the parks gardens and open spaces to which the byelaws or any of them shall apply.

36. Generally for the good rule and government of the parks gardens and open spaces.

CHAPTER CCXLVII.

AN ACT TO PROVIDE FOR THE REMOVAL OF CERTAIN RESTRICTIONS UPON TRAFFIC IN CERTAIN STREETS OF LONDON.

[18th August 1890.]

[*Preamble.*]

1. This Act may be cited as the London Streets (Removal of Short title.
Gates) Act 1890.

2. In this Act the expression "the Council" means the London Definitions.
County Council and the expression "the owner" used with refer-
ence to a gate bar rail post or other obstruction means the person
or persons for the time being entitled to maintain such gate bar rail
post or other obstruction.

3. [*Power for the Council and owners to make agreements for the
removal of gates bars and obstructions as follows:—*

(a) *Gate and bar partly in the parish of St. Pancras and partly
in the parish of St. Giles-in-the-Fields across the north-
eastern end of Torrington Place near Torrington Square :*

(b) *Gate and bar in the parish of St. Pancras across Gordon
Street near the northern end thereof :*

(c) *Gate and bar in the parish of St. Pancras across Upper
Woburn Place near the junction therewith of Woburn
Buildings ;*

(d) *Gate and bar in the parish of St. Pancras across Sidmouth
Street near the south-eastern corner of Saint Peter's
Church ;*

*together with any sheds fences rails posts or other erections connected
with such gates and bars respectively. Spent.]*

4. . . . When and as soon as any of the said gates bars rails posts Procedure in
and other obstructions shall have been removed under the powers of default of
this Act the site of such gate bar rail post or obstruction shall for agreement.
all intents and purposes form part of the street in which it was
situate and may and shall thenceforth be used repaired maintained

lighted cleansed and sewered in the same manner as the rest of the street and other public streets in the district.

[*Parts omitted (power for the Council, failing agreement after at least three months' notice, to remove the above-mentioned gates bars and obstructions, and provision for compensation under the Lands Clauses Acts for lands taken or injuriously affected under this Act) spent.*]

As to laying
certain
wooden or
noiseless
pavement.

* 5.—(1) Before the removal under the powers of this Act or in pursuance of any agreement to be made under the powers of this Act of the gate and bar across the north-eastern end of Torrington Place the Vestry of St. Pancras shall lay down a wooden asphalte or other noiseless pavement from the junction of Gower Street and Torrington Place to the south-east corner of Tavistock Square along Torrington Place the north side of Torrington Square the south side of Gordon Square and the south side of Tavistock Square.

(2) Before the removal under the powers of this Act or in pursuance of any agreement to be made under the powers of this Act of the gate and bar across Gordon Street near the northern end thereof the Vestry of St. Pancras shall lay down a wooden asphalte or other noiseless pavement from the junction of the Euston Road and Endsleigh Gardens to the south-west corner of Gordon Square along the west side of Endsleigh Gardens along Gordon Street and the west side of Gordon Square.

(3) Before the removal under the powers of this Act or in pursuance of any agreement to be made under the powers of this Act of the gate and bar across Upper Woburn Place near the junction therewith of Woburn Buildings the Vestry of St. Pancras shall lay down a wooden asphalte or other noiseless pavement from the Euston Road to the south-east corner of Tavistock Square along the east side of Endsleigh Gardens along Upper Woburn Place and the eastern side of Tavistock Square.

(4) The Vestry of St. Pancras† shall from time to time renew or maintain the wooden asphalte or other noiseless pavement so laid down by them.

(5) It shall be lawful for the Council on the one hand and any vestry‡ or district board§ of works on the other hand having under the powers of the Metropolis Management Act 1855 and the Acts amending the same the control and management of the streets in which the said gates and bars are respectively situate or the approaches thereto to enter into and carry into effect any agreement as to the laying down and maintenance of the wooden asphalte or other noiseless pavement between the points herein-before mentioned and the manner in which the costs and expenses of laying down such pavement shall be provided *And the Council shall contribute one half of the cost of laying down such pavements respectively.* [The words in italics are spent.]

As to pay-
ments under
this Act.

6. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [Part omitted (as to expenses of obtaining Act) spent.]

* Subsections (1) (2) and (3) of this section are spent, but are set out to show the effect of subsections (4) and (5).

† Now the Council of the Metropolitan Borough of St. Pancras. See 62 & 63 Vict. c. 14, s. 4.

‡ Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

54 & 55 VICTORIA. A.D. 1891.

CHAPTER 62.

AN ACT TO FURTHER AMEND THE ACTS RELATING TO THE RAISING OF MONEY BY THE LONDON COUNTY COUNCIL, AND FOR OTHER PURPOSES. [5th August 1891.]

[*Preamble recites (inter alia) that the powers of the London County Council (in this Act referred to as "the Council") for the borrowing of money for capital expenditure are limited by 53 & 54 Vict. c. 41.*]

Interpretation.

1. This Act may be cited as the London County Council (Money) Act, 1891; and the London Council (Money) Acts, 1875 to 1890, and this Act may be cited together as the London County Council (Money) Acts, 1875 to 1891. Short title.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the London Council (Money) Acts, 1875 to 1890, but all consolidated stock created by the Council shall be charged on the county rate in substitution for the consolidated rate. Construction of Act.

3. In and for the purposes of this Act :

The expression "the financial period" shall mean the current financial year of the Council ending the thirty-first day of March one thousand eight hundred and ninety-two, and the following six months ending the thirtieth day of September one thousand eight hundred and ninety-two. Interpretation.

The expression "the financial year" shall mean the current financial year ending the thirty-first day of March one thousand eight hundred and ninety-two.

The expression "the following six months" shall mean the six months ending the thirtieth day of September one thousand eight hundred and ninety-two.

[*Part omitted (definition of the expression "Main Drainage Acts"). Identical with the definition thereof in 52 & 53 Vict. c. 61, s. 3.*]

4—7. [Power to the Council to expend money during the financial year for sundry purposes (including parks, gardens, and open spaces under the Acts mentioned in the 2nd Schedule, and Acts relating to the housing of the working classes referred to in the 3rd Schedule). Spent.]

Loans to Public Bodies.

8. (iv.) Money borrowed from and lent by the Council under this section shall be repaid to the Council with interest within such time after the borrowing as the borrowers, with the consent of the Local Government Board or the Treasury, as the case may be, where such consent is necessary to the borrowing, and the Council with the approval of the Treasury shall agree: Provided that the time after the borrowing within which such money shall be repaid to the Council shall not exceed in the case of a loan for the purpose Power to lend to vestries, district boards, corporations, commissioners, burial board or other public bodies.

of improvements in relation to streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

Part omitted (power to the Council to lend during the financial period to vestries, district boards, and other public bodies in London) spent.]

Power to
lend to
boards of
guardians.

9. Money borrowed from and lent by the Council under this section shall be repaid to the Council with interest within such time after the borrowing as the borrowers, with the consent of the Local Government Board, and the Council, with the approval of the Treasury, shall agree, not exceeding thirty years.

[Part omitted (power to the Council during the financial period to lend to boards of guardians in London) spent.]

10. *[Power to the Council to lend to the managers of Metropolitan Asylum District during the financial period. Spent.]*

11. *[Power to the Council to lend to the School Board for London during the financial period. Spent.—Provision as to repayment within a period not exceeding 50 years. Superseded 2 Edw. 7, c. 42, s. 5, and 2nd Schedule; and 3 Edw. 7. c. 24. See also the Public Works Loans Act 1905, s. 3. (See Appendix.)]*

Power to
lend to Vestry
of St. Pancras.

12. Money may be borrowed from and lent by the Council to the said Vestry* under this section in addition to any money borrowed from or lent by the Council to the said Vestry* under any other power of this Act, and shall be repaid to the Council with interest within such time after the borrowing, not exceeding fifty years, as the Council and the Vestry of Saint Pancras,* with the approval of the Treasury, shall agree.

[Part omitted (power to the Council to lend to the Vestry of St. Pancras during the financial period for purposes authorised by the St. Pancras Loans Amendment Act 1877) spent.]

Protection of
Council in
case of cer-
tain loans.

13. Where, under the authority of this or any other Act, the Council lend any money to any corporation, body of commissioners, public body, or persons, the exercise of whose powers of borrowing is subject to the consent of the Local Government Board, the sanction of that Board to the borrowing of such money shall in every such case be conclusive evidence that such corporation, body of commissioners, public body, or persons had when such sanction was given power to borrow such money.

Creation of Stock; Redemption; Borrowing.

Power to
raise consoli-
dated stock.

14. In order to raise the money for the several purposes for which the Council are by this Act authorised to expend or lend money, the Council may from time to time create consolidated stock, and the following provisions shall have effect:—

- (i.) Where the Council under the authority of this Act create consolidated stock to raise money for the purpose of the Fire Brigade Act, 1865, or to enable them to make a loan repayable within a period not exceeding thirty years from the date of such loan, the Council shall from time to time carry to the Consolidated Loans Fund such sums as the

* Now the Council of the Metropolitan Borough of St. Pancras. See 62 & 63 Vict. c. 14, s. 4.

Treasury approve, as being in their opinion sufficient to redeem within the period of thirty years from the date of the creation of such stock, or within any less period for which any such loan may be made, an amount of consolidated stock equal to that so created ;

- (ii.) Money borrowed from and lent by the Council under the provisions of this Act may be made repayable either in one sum, or by instalments or by a series of equal annual or other instalments to include both principal and interest or otherwise as may be agreed between the Council and the borrowers ;
- (iii.) Where the Council are by this Act authorised to make a loan the Council, instead of raising money for any such loan by the creation of consolidated stock, may use for any such loan any money for the time being forming part of the Consolidated Loans Fund and not required for the payment of the dividends on consolidated stock. Provided that no such money shall be used for any loan repayable at a date later than the date at which the consolidated stock redeemable by means of the money so used is required to be redeemed ;
- (iv.) All sums received by the Council in respect of interest on, or principal of, any loan made by them under this Act shall be carried to the Consolidated Loans Fund ;
- (v.) Where the Council are authorised by this Act to raise money for any purpose, the Council, instead of raising such money by the creation of consolidated stock, may, with the approval of the Treasury, use for such purpose any money for the time being forming part of the Consolidated Loans Fund, and not required for the payment of the dividends on consolidated stock. Provided that no such money shall be so used unless provision shall be made in such manner as the Treasury approve for repaying the same to the Consolidated Loans Fund at or before the date at which consolidated stock redeemable by means of such money is required to be redeemed, and in every such case the Council shall raise, as part of the county rate, such sums as the Treasury approve as being in their opinion sufficient for the repayment at or before the date aforesaid of the money used for such purpose, and for the payment of the interest on the money so used, and such sums shall be carried by the Council to the Consolidated Loans Fund ;
- (vi.) Where the Council create consolidated stock for the purpose of any scheme made by the Metropolitan Board of Works, or the Council under any of the Acts mentioned in the Third Schedule to this Act, all money required for payment of dividends on, and the redemption of all consolidated stock created for such purpose, shall be charged to the special county account to which the expenditure for the purposes of the said Acts is chargeable ;
- (vii.) Consolidated stock for the purposes of this Act may be created by the Council from time to time in such amounts, and at such times only as the Council shall actually require for the said purposes respectively, and subject to such conditions as the Treasury may prescribe.

15. [*Power to the Council within 12 months after the issue of stock to apply money raised by stock to make up dividends from fixed dates. Spent.*]

16—20. [*Power to the Council to raise money by metropolitan bills and provisions relating thereto. Rep. 60 & 61 Vict. c. ccxx. s. 21.*]

Miscellaneous.

21. [*Limitation of power of borrowing in s. 38 of 32 & 33 Vict. c. 102 not to extend to money raised under this Act. Spent.*]

22. [*Moneys expended and loans advanced between the 31st March 1891 and the passing of this Act under 53 & 54 Vict. c. 41 to be on account of current financial year. Spent.*]

23. [*Limit to the exercise of borrowing powers by the Council during the financial period. Spent.*]

24. [*Incorporation of ss. 27—43 of 48 & 49 Vict. c. 50. Identical with 52 & 53 Vict. c. 61, s. 26.*]

Not to limit
expenditure
out of
revenue.

25. Nothing in this Act shall be construed to limit or affect the powers of the Council to expend money out of rates or their revenue for any purpose to which such rates or revenue are properly applicable, and nothing in the London County Council (Money) Acts, 1888, 1889, and 1890, shall be construed as having so limited or affected the powers of the Council, and in computing for the purposes of those Acts the money previously expended by the Metropolitan Board of Works and the Council no expenditure out of revenue for the said purposes or any of them shall be taken into account.

Expenses of
Bills autho-
rising the
Council
to raise
money.

26. The expenses of any application to Parliament by the London County Council for the purpose of obtaining authority to borrow money for the execution of powers conferred on the Council by any Act of Parliament, may be defrayed by the Council as payments for general county purposes.

SCHEDULES.

THE FIRST SCHEDULE. [*Estimates for the financial period. Spent.*]

THE SECOND SCHEDULE. [*List of Acts relating to parks, gardens, and open spaces referred to in s. 4. Spent.*]

THE THIRD SCHEDULE. [*List of Acts relating to the housing of the working classes referred to in s. 4. Identical with the 3rd Schedule of 52 & 53 Vict. c. 61, omitting 48 & 49 Vict. c. 72, and the Acts therein noted as repealed, and adding 53 & 54 Vict. c. 70.*]

CHAPTER 76.

* AN ACT TO CONSOLIDATE AND AMEND THE LAWS RELATING TO PUBLIC HEALTH IN LONDON. [5th August 1891.]

Sanitary
authority to
inspect dis-
trict for
detection of
nuisances.

1. It shall be the duty of every sanitary authority to cause to be made from time to time inspection of their district, with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, and to enforce the provisions of this Act for the purpose of abating the same, and otherwise to put in force the powers

* Amended 56 & 57 Vict. c. 47.

vested in them relating to public health and local government, so as to secure the proper sanitary condition of all premises within their district. [See ss: 100 and 101.]

Nuisances (General).

*Nuisances
(General).*

2.—(1.) For the purposes of this Act,—

- (a.) Any premises in such a state as to be a nuisance or injurious or dangerous to health;
- (b.) Any pool, ditch, gutter, watercourse, cistern, watercloset, earth closet, privy, urinal, cesspool, drain, dung-pit, or ashpit so foul or in such a state as to be a nuisance or injurious or dangerous to health;
- (c.) Any animal kept in such place or manner as to be a nuisance or injurious or dangerous to health;
- (d.) Any accumulation or deposit which is a nuisance or injurious or dangerous to health;
- (e.) Any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family;
- (f.) Any such absence from premises of water fittings as is a nuisance by virtue of section thirty-three of the Metropolis Water Act, 1871, set out in the First Schedule to this Act; and
- (g.) Any factory, workshop, or workplace which is not a factory subject to the provisions of the Factory and Workshop Act, 1878,* relating to cleanliness, ventilation, and overcrowding, and
 - (i.) is not kept in a cleanly state and free from effluvia arising from any drain, privy, earth closet, watercloset, urinal, or other nuisance, or
 - (ii.) is not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health, or
 - (iii.) is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein [See also the *Factory and Workshop Act 1901*, s. 3.]

What
nuisances
may be
abated
summarily.

34 & 35 Vict.
c. 113.

41 & 42 Vict.
c. 16.

shall be nuisances liable to be dealt with summarily under this Act.

(2.) Provided that—

- (i.) Any accumulation or deposit necessary for the effectual carrying on of any business or manufacture shall not be punishable as a nuisance under this section, if it is proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the public health; and
- (ii.) In considering whether any dwelling-house or part of a dwelling-house which is used also as a factory, workshop, or workplace, or whether any factory, workshop, or workplace used also as a dwelling-house, is a nuisance by reason of overcrowding, the court shall have regard to the circumstance of such other user.

* Rep. and replaced by the *Factory and Workshop Act 1901*.

*Nuisances
(General).*

Information
of nuisances
to sanitary
authority.

3. Information of a nuisance liable to be dealt with summarily under this Act in the district of a sanitary authority may be given to that authority by any person, and it shall be the duty of every officer of that authority and of every relieving officer, in accordance with the regulations of the authority having control over him, to give that information; and it shall be the duty of the said authority to make the said regulations, and also the duty of the sanitary authority to give such directions to their officers as will secure the existence of the nuisance being immediately brought to the notice of any person who may be required to abate it, and the officer shall do so by serving a written intimation.

Notice
requiring
abatement of
nuisance.

4.—(1.) On the receipt of any information respecting the existence of a nuisance liable to be dealt with summarily under this Act the sanitary authority shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default, or sufferance the nuisance arises or continues, or, if such person cannot be found, on the occupier or owner of the premises on which the nuisance arises, requiring him to abate the same within the time specified in the notice, and to execute such works and do such things as may be necessary for that purpose, and, if the sanitary authority think it desirable (but not otherwise) specifying any works to be executed.

(2.) The sanitary authority may also by the same or another notice served on such occupier, owner, or person require him to do what is necessary for preventing the recurrence of the nuisance, and, if they think it desirable, specify any works to be executed for that purpose, and may serve that notice notwithstanding that the nuisance may for the time have been abated, if the sanitary authority consider that it is likely to recur on the same premises.

(3.) Provided that—

(a.) where the nuisance arises from any want or defect of a structural character, or where the premises are unoccupied, the notice shall be served on the owner :

(b.) where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act, default, or sufferance of the occupier or owner of the premises, the sanitary authority may themselves abate the same and may do what is necessary to prevent the recurrence thereof :

(c.) where the medical officer of health certifies to the sanitary authority that any house or part of a house in their district is so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family, the sanitary authority shall take proceedings under this section for the abatement of such nuisance :

(d.) where the nuisance is such absence of water-fittings as is declared a nuisance by section thirty-three of the Metropolis Water Act, 1871 (set out in the First Schedule to this Act); such absence shall be deemed to render the premises unfit for human habitation unless and until the contrary is shown to the satisfaction of the court.

(4.) Where a notice has been served on a person under this section, and either—

(a.) the nuisance arose from the wilful act or default of the said person ; or

(b.) such person makes default in complying with any of the requisitions of the notice within the time specified, he shall be liable to a fine not exceeding ten pounds for each offence, whether any such nuisance order as in this Act mentioned is or is not made upon him.

*Nuisances
(General).*

5.—(1.) If either—

(a.) the person on whom a notice to abate a nuisance has been served as aforesaid makes default in complying with any of the requisitions thereof within the time specified; or

(b.) the nuisance, although abated since the service of the notice, is, in the opinion of the sanitary authority, likely to recur on the same premises,

On non-compliance with notice, order to be made.

the sanitary authority shall make a complaint, and the petty sessional court hearing the complaint may make on such person a summary order (in this Act referred to as a nuisance order). [*See s. 13.*]

(2.) A nuisance order may be an abatement order, a prohibition order, or a closing order, or a combination of such orders.

(3.) An abatement order may require a person to comply with all or any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in the order.

(4.) A prohibition order may prohibit the recurrence of a nuisance.

(5.) An abatement order or prohibition order shall, if the person on whom the order is made so requires, or the court considers it desirable, specify the works to be executed by such person for the purpose of abating or preventing the recurrence of the nuisance.

(6.) A closing order may prohibit a dwelling-house from being used for human habitation.

(7.) A closing order shall only be made where it is proved to the satisfaction of the court that by reason of a nuisance a dwelling-house is unfit for human habitation, and if such proof is given the court shall make a closing order, and may impose a fine not exceeding twenty pounds.

(8.) A petty sessional court, when satisfied that the dwelling-house has been rendered fit for human habitation, may declare that it is so satisfied and cancel the closing order.

(9.) If a person fails to comply with the provisions of a nuisance order with respect to the abatement of a nuisance, he shall, unless he satisfies the court that he has used all due diligence to carry out such order, be liable to a fine not exceeding twenty shillings a day during his default; and if a person knowingly and wilfully acts contrary to a prohibition or closing order he shall be liable to a fine not exceeding forty shillings a day during such contrary action; moreover the sanitary authority may enter the premises to which a nuisance order relates, and abate or remove the nuisance, and do whatever may be necessary in execution of such order.

6.—(1.) Where a person appeals to the court of quarter sessions against a nuisance order, no liability to a fine shall arise, nor, save as in this section mentioned, shall any proceedings be taken or work done under such order until after the determination or abandonment of such appeal. [*See s. 125.*]

Provision as to appeal against order.

(2.) There shall be no appeal to quarter sessions against a nuisance order, unless it is or includes a prohibition or closing order, or requires the execution of structural works.

(3.) Where a nuisance order is made and a person does not comply

*Nuisances
(General).*

with it and appeals against it to the court of quarter sessions, and such appeal is dismissed or is abandoned, the appellant shall be liable to a fine not exceeding twenty shillings a day during the non-compliance with the order, unless he satisfies the court before whom proceedings are taken for imposing a fine that there was substantial ground for the appeal, and that the appeal was not brought merely for the purpose of delay, and where the appeal is heard by the court of quarter sessions, that court may, on dismissing the appeal, impose the fine as if the court were a petty sessional court.

(4.) Where a nuisance order is made on any person and appealed against, and the court which made the order is of opinion that the continuance of the nuisance will be injurious or dangerous to health, and that the immediate abatement thereof will not cause any injury which cannot be compensated by damages, the court may authorise the sanitary authority immediately to abate the nuisance; but the sanitary authority, if they do so, and the appeal is successful, shall pay the cost of such abatement and the damages (if any) sustained by the said person by reason of such abatement; but, if the appeal is dismissed or abandoned, the sanitary authority may recover the cost of the abatement in a summary manner from the said person. [See s. 117.]

Provision in case of two convictions for over-crowding.

7. Where two convictions for offences relating to the over-crowding of a house or part of a house in any district have taken place within a period of three months (whether the persons convicted were or were not the same), a petty sessional court may, on the application of the sanitary authority, order the house to be closed for such period as the court may deem necessary.

In certain cases order may be addressed to sanitary authority.

8. Whenever it appears to the satisfaction of the petty sessional court that the person by whose act, default, or sufferance, a nuisance liable to be dealt with summarily under this Act arises or the owner or occupier of the premises is not known or cannot be found, then the nuisance order may be addressed to, and if so addressed shall be executed by, the sanitary authority. [See ss. 120 (4) and 128.]

Power to sell manure, etc.

9. Any matter or thing removed by the sanitary authority in abating, or doing what is necessary to prevent the recurrence of, a nuisance liable to be dealt with summarily under this Act may be sold by public auction or, if the authority think the circumstances of the case require it, may be sold otherwise, or be disposed of without sale; and the money arising from the sale may be retained by the sanitary authority, and applied in payment of the expenses incurred by them with reference to such nuisance, and the surplus (if any) shall be paid, on demand, to the owner of such matter or thing.

Power of entry.

10. The sanitary authority shall have a right to enter from time to time any premises—

- (a) for the purpose of examining as to the existence thereon of any nuisance liable to be dealt with summarily under this Act, at any hour by day, or in the case of a nuisance arising in respect of any business, then at any hour when that business is in progress or is usually carried on, and
- (b) where under this Act a nuisance has been ascertained to exist, or a nuisance order has been made, then at any such hour as aforesaid, until the nuisance is abated, or the works ordered to be done are completed, or the closing order is cancelled, as the case may be, and

(c) where a nuisance order has not been complied with, or has been infringed, at all reasonable hours, including all hours during which business therein is in progress or is usually carried on, for the purpose of executing the order.

*Nuisances
(General).*

[See ss. 115 and 116.]

11.—(1.) All reasonable costs and expenses incurred in serving notice, making a complaint, or obtaining a nuisance order, or in carrying the order into effect, shall be deemed to be money paid for the use and at the request of the person on whom the order is made; or if the order is made on the sanitary authority, or, if no order is made, but the nuisance is proved to have existed when the notice was served or the complaint made, then of the person by whose act, default, or sufferance, the nuisance was caused; and in case of nuisances caused by the act or default of the owner of premises, such costs and expenses may be recovered from any person who is for the time being owner of such premises.

*Costs of
execution of
provisions
relating to
nuisances.*

(2.) Such costs and expenses, and any fines incurred in relation to any such nuisance, may be recovered in a summary manner or in the county court or High Court, and the court shall have power to divide costs, expenses, and fines between persons by whose acts, defaults, or sufferance a nuisance is caused, as to it may seem just. [See s. 117.]

12.—(1.) Complaint of the existence of a nuisance liable to be dealt with summarily under this Act on any premises within the district of any sanitary authority may be made by any person, and thereupon the like proceedings shall be had with the like incidents and consequences as to making of orders, fines for disobedience of orders, appeal, and otherwise, as in the case of a like complaint by the sanitary authority.

*Power of
individual to
complain to
justice of
nuisance.*

(2.) Provided that the court may, if it thinks fit,—

(a.) adjourn the hearing or further hearing of the complaint for the purpose of having an examination of the premises where the nuisance is alleged to exist, and may authorise the entry into such premises of any constable or other person for that purpose; and

(b.) authorise any constable or other person to do all necessary acts for executing an order made on a complaint under this section, and to recover the expenses from the person on whom the order is made in a summary manner. [See s. 117.]

(3.) Any constable or other person authorised under this section shall have the like powers, and be subject to the like restrictions as if he were an officer of the sanitary authority authorised under the foregoing provisions of this Act to enter any premises and do any acts thereon. [See ss. 10 and 115.]

13. The sanitary authority may, if in their opinion summary proceedings would afford an inadequate remedy, cause any proceedings to be taken against any person in the High Court to enforce the abatement or prohibition of any nuisance liable to be dealt with summarily under this Act, or for the recovery of any fines from, or for the punishment of, any persons offending against the provisions of this Act relating to such nuisances, and may pay as expenses of the execution of this Act their expenses of and incident to all such proceedings.

*Proceedings
in High
Court for
abatement of
nuisances.*

*Nuisances
(General).*

Power to proceed where cause of nuisance arises without district.

14.—(1.) Where a nuisance liable to be dealt with summarily under this Act appears to be wholly or partially caused by some act, default, or sufferance committed or taking place without the district the inhabitants of which are affected by the nuisance, the sanitary authority for that district may take or cause to be taken against any person in respect of such act, default, or sufferance any proceedings in relation to nuisances by this Act authorised, with the same incidents and consequences as if such act, default, or sufferance were committed or took place wholly within their district; so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the district where the act, default, or sufferance is alleged to be committed or take place.

38 & 39 Vict.
c. 55.

(2.) Section one hundred and eight of the Public Health Act, 1875, set out in the First Schedule to this Act, shall continue to extend to London, with the substitution of a sanitary authority under this Act for any nuisance authority mentioned in the said section, and any reference in that section to a nuisance in the metropolis shall include a nuisance within the meaning of this Act.

Penalty for injuring closet, etc. so as to cause a nuisance.

15. If a person causes any drain, watercloset, earth closet, privy, or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same, or any water-supply, apparatus, pipe, or work connected therewith, or by otherwise wilfully stopping up, or wilfully interfering with, or improperly using the same, or any such water-supply, apparatus, pipe, or work, he shall be liable to a fine not exceeding five pounds. [*See also* ss. 51, 53, and 116 (1) (b).]

*Penalties
in respect
of particular
Nuisances.*

Byelaws by sanitary authority and county council as to cleansing streets and prevention of nuisances.

Penalties in respect of particular Nuisances.

16.—(1.) Every sanitary authority shall make byelaws—

- (a.) for the prevention of nuisances arising from any snow, ice, salt, dust, ashes, rubbish, offal, carrion, fish, or filth, or other matter or thing in any street; and
- (b.) for preventing nuisances arising from any offensive matter running out of any manufactory, brewery, slaughter-house, knacker's yard, butcher's or fishmonger's shop, or dunghill, into any uncovered place, whether or not surrounded by a wall or fence; and
- (c.) for the prevention of the keeping of animals on any premises in such place or manner as to be a nuisance or injurious or dangerous to health; and
- (d.) as to the paving of yards and open spaces in connexion with dwelling-houses.

(2.) The County Council shall make bye-laws—

- (a.) for prescribing the times for the removal or carriage by road or water of any faecal or offensive or noxious matter or liquid in or through London, and providing that the carriage or vessel used therefor shall be properly constructed and covered so as to prevent the escape of any such matter or liquid, and as to prevent any nuisance arising therefrom; and
- (b.) as to the closing and filling up of cesspools and privies, and as to the removal and disposal of refuse, and as to the duties of the occupier of any premises in connexion with house refuse, so as to facilitate the removal of it by the scavengers of the sanitary authority.

(3.) It shall be the duty of every sanitary authority to observe and enforce any byelaws made under this section.

*Penalties
in respect
of particular
Nuisances.*

(4.) Except as otherwise provided by the byelaws, a constable may arrest without warrant and take before a Justice any person whom he finds committing an offence against such byelaws and who refuses to give his true name and address.

(5.) Provided that the byelaws shall not make it an offence to lay sand or other material in any street in time of frost to prevent accidents, or litter or other matter to prevent the freezing of water in pipes, or in case of sickness to prevent noise, if the same is laid, and when the occasion ceases duly removed, in accordance with the byelaws.

[*See ss. 114, 133 and 1st Schedule*].

17.—(1.) A person shall not—

(a.) feed or keep any swine in any locality, premises, or place which is unfit for the keeping of swine, or in which the feeding or keeping of swine may create a nuisance or be injurious to health, or

*Penalty for
keeping
swine in
unfit place.*

(b.) permit any swine to stray or go about in any street or public place.

(2.) If any person acts in contravention of this section he shall be liable to a fine not exceeding forty shillings, and to forfeit the swine, and to a further fine not exceeding ten shillings for every day during which he continues such offence after notice from the sanitary authority to discontinue the same.

(3.) Any swine found straying or going about in any street or public place may be seized and removed by any constable.

(4.) Any premises within forty yards of any street or public place shall be deemed for the purposes of this section to be a place unfit for keeping swine. [*See s. 16 (1) (c).*]

18. Where it is proved to the satisfaction of a petty sessional court that any locality, premises, or place are or is unfit for the keeping of any animal, the court may by summary order prohibit the using thereof for that purpose for the future.

*Power to
prohibit
keeping of
animals in
unfit place.*

Offensive Trades.

*Offensive
Trades.*

19.—(1.) If any person—

(a.) establishes anew the following businesses, or any of them ; that is to say, the business of blood boiler, bone boiler, manure manufacturer, soap boiler, tallow melter, or knacker ; or

*Prohibition
and regula-
tion of
establishing
anew certain
offensive
businesses,
and bye-
laws as to
offensive
businesses.*

(b.) establishes anew, without the sanction of the county council, the following businesses, or any of them ; that is to say, the business of fellmonger, tripe boiler, slaughterer of cattle or horses, or any other business which the county council may declare by order confirmed by the Local Government Board and published in the London Gazette to be an offensive business,

he shall be liable to a fine not exceeding fifty pounds in respect of the establishment thereof, and any person carrying on the same when established shall be liable to a fine not exceeding fifty pounds for every day during which he so carries on the same :

(2.) Provided that this enactment shall not render any person liable to a fine for establishing anew with the sanction of the county council, or carrying on, the business of soap boiler, if and as long as

*Offensive
Trades.*

that business is a business in which tallow or any animal fat or oil other than olein is not used by admixture with alkali for the production of soap.

(3.) The County Council shall give their sanction by order, but, at least fourteen days before making any such order, shall make public the application for it, by serving on the sanitary authority within whose district the premises on which the business is proposed to be established are situate, and by advertising, notice of the application and of the time and place at which they will be willing to hear all persons objecting to the order, and by causing a copy of the notice to be affixed in a conspicuous part of the said premises; and they shall consider any objections made at that time and place, and shall grant or withhold their sanction as they think expedient.

(4.) The County Council may make byelaws for regulating the conduct of any businesses specified in this section, which are for the time being lawfully carried on in London, and the structure of the premises on which any such business is being carried on, and the mode in which the said application is to be made. [See 62 & 63 *Vict. c. 14, s. 6 (4)*].

(5.) Any such byelaw may empower a petty sessional court by summary order to deprive any person, either temporarily or permanently, of the right of carrying on any business to which such byelaw relates, as a punishment for breaking the same, and any person disobeying such order shall be liable to a fine not exceeding fifty pounds for every day during which such disobedience continues.

(6.) Any sanitary authority or person aggrieved by any proposed byelaw under this section, or by any proposed alteration or repeal of a byelaw, may forward notice of his objection to the Local Government Board, who shall consider the same.

(7.) There shall be charged for an order of the County Council under this section, and carried to the county fund, such fee not exceeding forty shillings as the County Council may fix.

(8.) For the purposes of this section a business shall be deemed to be established anew not only if it is established newly, but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of nine months or upwards, or if any premises on which it is for the time being carried on are enlarged without the sanction of the County Council; but a business shall not be deemed to be established anew on any premises by reason only that the ownership of such premises is wholly or partially changed, or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

(9.) Nothing in this section shall render an order of the County Council necessary to authorise the slaughter of cattle at the Metropolitan Cattle Market, or at the cattle market at Deptford, or shall authorise the making of byelaws affecting either of those markets or the slaughter-houses erected thereat either before or after the commencement of this Act.

(10.) In the application of this section to the City of London, the Commissioners of Sewers * shall be substituted for the County Council, and the consolidated rate for the county fund. [See also 57 & 58 *Vict. c. cxxiii. ss. 118—121.*]

* Now the Mayor, Commonalty, and Citizens of the City of London. See the City of London Sewers Act 1897.

20.—(1.) A person carrying on the business of a slaughterer of cattle or horses,; knacker, or dairyman,* shall not use any premises in London (outside the City of London) as a slaughter-house, or knacker's yard, or a cow-house or place for the keeping of cows, without a licence from the County Council, and if he does he shall for each offence be liable to a fine not exceeding five pounds, and the fact that cattle have been taken into unlicensed premises shall be *prima facie* evidence that an offence under this section has been committed.

Offensive Trades.
Licensing of cow-houses and slaughter-houses.

(2.) A licence under this section shall expire on such day in every year as the County Council fix, and when a licence is first granted shall expire on the day so fixed which secondly occurs after the grant of the licence, and a fee not exceeding five shillings to be carried to the county fund may be charged for the licence.

(3.) Not less than fourteen days before a licence for any premises is granted or renewed under this section, notice of the intention to apply for it shall be served on the sanitary authority of the district in which the premises are situate, and that sanitary authority, if they think fit, may show cause against the grant or renewal of the licence.

(4.) An objection shall not be entertained to the renewal of a licence under this section, unless seven days previous notice of the objection has been served on the applicant, save that, on an objection being made of which notice has not been given, the County Council may, if they think it just so to do, direct notice thereof to be served on the applicant, and adjourn the question of the renewal to a future day, and require the attendance of the applicant on that day, and then hear the case, and consider the objection, as if the said notice had been duly given.

(5.) Where a committee of the County Council determine to refuse, or to recommend the Council to refuse, the renewal of any licence under this section, the County Council shall, on written application made within seven days after such determination is made known to the applicant, hear the applicant against such refusal.

(6.) For the purposes of this section a licence shall be deemed to be renewed where a further licence is granted in immediate succession to a prior licence for the same premises.

(7.) The sanitary authority shall have a right to enter any slaughter-house or knacker's yard at any hour by day or at any hour when business is in progress or is usually carried on therein, for the purpose of examining whether there is any contravention therein of this Act or of any byelaw made thereunder. [*See 62 & 63 Vict. c. 14, s. 6 (4).*]

(8.) Nothing in this section shall extend to slaughter-houses erected before or after the commencement of this Act in the Metropolitan Cattle Market under the authority of the Metropolitan Market Act, 1851,† or the Metropolitan Market Act, 1857.

[*See also 3 Edw. 7, c. clxxxvii. ss. 53—56.*]

21.—(1.) Where any manufactory, building, or premises used for any trade, business, process, or manufacture, causing effluvia, is certified to the sanitary authority by their medical officer of health, or by any two legally qualified medical practitioners, or by any ten inhabitants of the district of such authority, to be a nuisance or injurious or dangerous to the health of any of the inhabitants of

Duty of sanitary authority to complain to Justice of nuisance arising from offensive trade.

* See also the Dairies, Cowsheds, and Milkshops Orders 1885, 1886, and 1899.

† Rep. and replaced by the Metropolitan Market Act 1857.

Offensive Trades.

the district, such authority shall make a complaint, and if it appears to the petty sessional court hearing the complaint that the trade, business, process, or manufacture carried on by the person complained of is a nuisance, or causes any effluvia which is a nuisance or injurious or dangerous to the health of any of the inhabitants of the district, then, unless it is shown that such person has used the best practicable means for abating the nuisance, or preventing or counteracting the effluvia, the person so offending (being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier) shall be liable to a fine not exceeding fifty pounds.

(2.) Provided that the court may suspend its final determination on condition that the person complained of undertakes to adopt, within a reasonable time, such means as the court may deem practicable, and order to be carried into effect, for abating the nuisance, or mitigating or preventing the injurious effects of the effluvia.

(3.) The sanitary authority may, if they think fit, on such certificate as is in this section mentioned, cause to be taken any proceedings in the High Court against any person in respect of the matters alleged in such certificate. [*See also s. 13.*]

(4.) The sanitary authority may take proceedings under this section in respect of a manufactory, building, or premises situate without their district, so, however, that the summary proceedings shall be had before a court having jurisdiction in the district where the manufactory, building, or premises are situate.

38 & 39 Vict.
c. 55.

(5.) Section one hundred and fifteen of the Public Health Act, 1875 (set out in the First Schedule to this Act), shall continue to extend to London, with the substitution of a sanitary authority under this Act for a nuisance authority mentioned in the said section, and any reference in that section to a nuisance in the metropolis or to any building, manufactory, or place in the metropolis which is injurious to health, shall include any nuisance within the meaning of this Act, and any manufactory, building, or place which is dangerous to health.

Provision as to nuisance created by sanitary authority in dealing with refuse.

22.—(1.) The removal of house refuse and street refuse by a sanitary authority when collected or deposited by that authority shall be deemed to be a business carried on by that authority within the meaning of the last preceding section, and a complaint or proceedings under that section in relation to any such business may be made or taken by the County Council in like manner as if the Council were a sanitary authority.

(2.) Any premises used by a sanitary authority for the treatment or disposal of any street refuse or house refuse, as distinct from the removal thereof, which are a nuisance or injurious or dangerous to health, shall be a nuisance liable to be dealt with summarily under this Act, and for the purpose of the application thereto of the provisions of this Act relating to such nuisance the County Council shall be deemed to be a sanitary authority. [*See ss. 29, 30 and 117 (3) and 56 & 57 Vict. c. 47.*]

Smoke Consumption.

Furnaces and steam vessels to consume their own smoke.

Smoke Consumption.

* 23.—(1.) Every furnace employed in the working of engines by steam, and every furnace employed in any public bath or washhouse, or in any mill, factory, printing house, dyehouse, iron foundry, glass-

* *Cf.* the Railways Clauses Consolidation Act 1845, s. 114, which is as follows:

"114. Every locomotive steam engine to be used on the railway shall, if it use coal or other similar fuel emitting smoke, be constructed on the principle of consuming and so as to consume its own smoke; and if any engine be not so constructed

house, distillery, brewhouse, sugar refinery, bakehouse, gasworks, waterworks, or other buildings used for the purpose of trade or manufacture (although a steam engine be not used or employed therein), shall be constructed so as to consume or burn the smoke arising from such furnace. [*See also the Metropolis Water Act 1852, ss. 14 and 16. (See Appendix.)*]

Smoke Consumption.

(2.) If any person being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier—

- (a) uses any such furnace which is not constructed so as to consume or burn the smoke arising therefrom; or
- (b) so negligently uses any such furnace as that the smoke arising therefrom is not effectually consumed or burnt; or
- (c) carries on any trade or business which occasions any noxious or offensive effluvia, or otherwise annoys the neighbourhood or inhabitants, without using the best practicable means for preventing or counteracting such effluvia or other annoyance;

such person shall be liable to a fine not exceeding five pounds, and on a second conviction to a fine of ten pounds, and on each subsequent conviction to a fine double the amount of the fine imposed on the last preceding conviction.

(3.) Every steam engine and furnace used in the working of any steam vessel on the River Thames, either above London Bridge, or plying to and fro between London Bridge and any place on the River Thames westward of the Nore light, shall be constructed so as to consume or burn the smoke arising from such engine and furnace; and if any such steam engine or furnace is not so constructed, or being so constructed is wilfully or negligently used so that the smoke arising therefrom is not effectually consumed or burnt, the owner or master of such vessel shall be liable to a fine not exceeding five pounds, and on a second conviction to a fine of ten pounds, and on every subsequent conviction to a fine of double the amount of the fine imposed on the last preceding conviction.

(4.) Provided that in this section the words “consume or burn the smoke” shall not be held in all cases to mean “consume or burn all the smoke,” and the court hearing an information against a person may remit the fine if of opinion that such person has so constructed his furnace as to consume or burn, as far as possible, all the smoke arising from such furnace, and has carefully attended to the same, and consumed or burned, as far as possible, the smoke arising from such furnace.

(5.) It shall be the duty of every sanitary authority to enforce the provisions of this section, and an information shall not be laid for the recovery of any fine under this section except under the direction of a sanitary authority.

(6.) The provisions of this Act with respect to the admission of the sanitary authority into any premises for any purposes in relation

the company or party using such engine shall forfeit five pounds for every day during which such engine shall be used on the railway”; and the Regulation of Railways Act 1868, s. 19, which is as follows:

“19. Where proceedings are taken against a company using a locomotive steam engine on a railway on account of the same not consuming its own smoke, then if it appears to the Justices before whom the complaint is heard that the engine is constructed on the principle of consuming its own smoke, but that it failed to consume its own smoke, as far as practicable, at the time charged in the complaint, through the default of the company, or of any servant in the employment of the company, such company shall be deemed guilty of an offence under the Railways Clauses Consolidation Act, 1845, section one hundred and fourteen.”

*Smoke Con-
sumption.*

to nuisances, and with respect to the giving of information of a nuisance, shall apply in like manner as if they were herein re-enacted and in terms made applicable to this section. [See ss. 10, 115, and 116.]

(7.) This section shall extend to the port of London, and as respects the port shall be enforced by the port sanitary authority. [See s. 111.]

(8.) Nothing in this section shall alter or repeal any of the provisions of the City of London Sewers Act, 1851, or of the Whitechapel Improvement Act, 1853.†

14 & 15 Vict.
c. 75.*
16 & 17 Vict.
c. cxli.

Summary
proceedings
for abate-
ment of
nuisance.

24.—

(a.) Any fireplace or furnace which does not, as far as practicable, consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gaswork, or in any manufacturing or trade process whatsoever; and

(b.) Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance;

shall be nuisances liable to be dealt with summarily under this Act, and the provisions of this Act relating to those nuisances shall apply accordingly:

Provided that the court, hearing a complaint against a person in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used in such fireplace or furnace, shall hold that no nuisance is created, and dismiss the complaint, if satisfied that such fireplace or furnace is constructed in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that such fireplace or furnace has been carefully attended to by the person having the charge thereof.

*Workshops
and Bake-
houses.*

Limewash-
ing and
washing of
workshops.

Workshops and Bakehouses.

25.—(1.) Where, on the certificate of a medical officer of health or sanitary inspector, it appears to any sanitary authority that the limewashing, cleansing, or purifying of any workshop (other than a bakehouse), or of any part thereof, is necessary for the health of the persons employed therein, the sanitary authority shall serve notice in writing on the owner or occupier of the workshop to lime-wash, cleanse, or purify the workshop or part as the case requires, within the time specified in the notice; and, if the person on whom notice is so served fails to comply therewith, he shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding ten shillings for every day during which he continues to make default after conviction; and the sanitary authority may, if they think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person on whom the notice was served. [See also 4 *Edw.* 7, c. ccxlv. ss. 20, 21 and 26.]

(2.) This section shall apply to any factory which is not subject to the provisions of the Factory and Workshop Act, 1878,‡ and the Acts amending the same, and to any workplace, in like manner as it applies to a workshop.

41 & 42 Vict.
c. 16.

* Semble 14 & 15 Vict. c. xci.

† Rep. by the Borough of Stepney (Whitechapel) Scheme 1901, made under 62 & 63 Vict. c. 14.

‡ Rep. and replaced by the Factory and Workshop Act 1901.

26.—(1.) Sections thirty-four, thirty-five, and eighty-one of the Factory and Workshop Act, 1878,* and sections fifteen and sixteen of the Factory and Workshop Act Amendment Act, 1883* (which relate to cleanliness, ventilation, and other sanitary conditions), shall, as respects every bakehouse which is a workshop, be enforced by the sanitary authority of the district in which the bakehouse is situate, and they shall be the local authority within the meaning of those sections.

Workshops and Bakehouses.
Enactments respecting bakehouses. 41 & 42 Vict. c. 16. 46 & 47 Vict. c. 53.

(2.) For the purposes of this section, the provisions of this Act with respect to the admission of the sanitary authority and their officers into any premises for any purpose in relation to nuisances shall apply in like manner as if they were herein re-enacted and in terms made applicable to this section; and every person refusing or failing to allow the sanitary authority or their officer to enter any premises in pursuance of those provisions for the purposes of this section shall be subject to a fine. [See ss. 10, 115, and 116.]

27. If any child, young person, or woman is employed in a workshop, and the medical officer of the sanitary authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector for the district.

Notice to factory inspector respecting child or woman in workshop.

Dairies.

28.—(1.) The Local Government Board may make such general or special orders as they think fit for the following purposes, or any of them, that is to say,—

Dairies.
Orders and regulations for dairies.

- (a.) for the registration with the County Council of all persons carrying on the trade of dairymen;
- (b.) for the inspection of cattle in dairies, and for prescribing and regulating the lighting, ventilation, cleansing, drainage, and water supply of dairies in the occupation of persons carrying on the trade of dairymen;
- (c.) for securing the cleanliness of milk-vessels used for containing milk for sale by such persons;
- (d.) for prescribing precautions to be taken for protecting milk against infection or contamination;
- (e.) for authorising the County Council to make byelaws for the purposes aforesaid, or any of them. [See ss. 114, 133 (b) and 1st Schedule.]

(2.) The County Council for the purpose of enforcing the said orders and any byelaws made thereunder shall have the same right to be admitted to any premises as a sanitary authority have under this Act for the purpose of examining as to the existence of a nuisance liable to be dealt with summarily, and the provisions of this Act shall apply accordingly as if they were herein re-enacted and in terms made applicable to this section, and in particular with the substitution of the County Council for the sanitary authority. [See ss. 10, 115, and 116.]

(3.) The Local Government Board may by any such order impose the like fines for offences against orders made under this section as may be imposed for offences against the byelaws of a sanitary authority under this Act. [See s. 114 and 1st Schedule.]

(4.) In the application of this section to the City of London, the mayor, commonalty, and citizens of the city acting by the council

* Rep. by the Factory and Workshop Act. 1901, s. 161. (See *ibid.*, ss. 97, 99, 100, and 135.)

Dairies.

shall be substituted for the County Council, and their expenses in the execution of this section shall be paid out of the consolidated rate. [See the *Dairies, Cowsheds, and Milkshop Orders of 1885, 1886, and 1899*; and see also 62 & 63 Vict. c. 14, s. 5 (1), 6 (4), and 2nd Sch. part i.]

Removal of Refuse.

Duty of sanitary authority to clean streets.

Removal of Refuse.

29.—(1.) It shall be the duty of every sanitary authority to keep the streets of their district, which are repairable by the inhabitants at large, including the footways, properly swept and cleansed so far as is reasonably practicable, and to collect and remove from the said streets, so far as is reasonably practicable, all street refuse.

(2.) If any such street in the district of any sanitary authority, including the footway, is not properly swept and cleansed, or the street refuse is not collected and removed from any such street, so far as is reasonably practicable, as required by this section, the sanitary authority shall be liable to a fine not exceeding twenty pounds. [See ss. 117 and 119.]

(3.) So much of any Act as requires the occupier or owner of any premises in London to cause the footways and watercourses adjoining the premises to be swept and cleansed is hereby repealed.

Removal of house refuse.

30.—(1.) It shall be the duty of every sanitary authority—

(a.) to secure the due removal at proper periods of house refuse from premises, and the due cleansing out and emptying at proper periods of ashpits, and of earth closets, privies, and cesspools (if any), in their district, and the giving of sufficient notice of the times appointed for such removal, cleansing out, and emptying, and

(b.) where the house refuse is not removed from any premises in the district at the ordinary period, or any ashpit, earth-closet, privy, or cesspool in or under any building in the district is not cleansed out or emptied at the ordinary period, and the occupier of the premises serves on the authority a written notice requiring the removal of such refuse, or the cleansing out and emptying of the ashpit, earth-closet, privy, or cesspool, as the case may be, to comply with such notice within forty-eight hours after that service, exclusive of Sundays and public holidays.

(2.) If a sanitary authority fail without reasonable cause to comply with this section, they shall be liable to a fine not exceeding twenty pounds. [See s. 119.]

(3.) If any person in the employ of the sanitary authority, or of any contractor with the sanitary authority, demands from an occupier or his servant any fee or gratuity for removing any house refuse from any premises, he shall be liable to a fine not exceeding twenty shillings.

Sanitary authority to appoint scavengers.

31. Every sanitary authority shall employ a sufficient number of scavengers, or contract with any scavengers, whether a company or individuals, for the execution of the duties of the sanitary authority under this Act with respect to the sweeping and cleansing of the several streets within their district, and the collection and removal of street refuse and house refuse, and the cleansing out and emptying of ash-pits, earth-closets, privies, and cesspools.

Disposal of refuse.

32. All street refuse and house refuse collected by or on behalf of a sanitary authority shall be the property of that authority, and the authority shall have full power to sell and dispose of the same for

the purposes of this Act as they may think proper, and the person purchasing the same shall have full power to take, carry away, and dispose of the same for his own use, and the money arising from the sale thereof shall be applied toward defraying the expenses of the execution of this Act. [*See also 56 & 57 Vict. c. 47, s. 3.*]

Removal of Refuse.

33.—(1.) If the sanitary authority are required by the owner or occupier of any premises to remove any trade refuse, that authority shall do so, and the owner or occupier shall pay to that authority a reasonable sum for such removal, and such sum, in case of dispute, shall be settled by the order of a petty sessional court.

Owners, etc. to pay for removal of refuse of trades.

(2.) If any dispute or difference of opinion arises between the owner or occupier and the sanitary authority as to what is to be considered as trade refuse, a petty sessional court, on complaint made by either party, may by order determine whether the subject matter of dispute is or is not trade refuse, and the decision of that court shall be final.

34.—(1.) If the sanitary authority, or any persons employed by them, neglect for the space of seven days to remove all such house refuse as they are required by or in pursuance of this Act to remove, then an occupier of premises (after twenty-four hours' notice given by him to the sanitary authority requiring them to remove the same), may without prejudice to any other proceeding under this Act give away or sell his house refuse; and any person who in pursuance of such gift or sale removes the said house refuse shall not be liable to any fine for so doing.

Provision on neglect of scavengers to remove dust.

(2.) Save as aforesaid, if any person other than the sanitary authority or their contractors or servants receives, carries away, or collects any house refuse or street refuse from any premises or street, such person shall be liable to a fine not exceeding five pounds.

35.—(1.) Where it appears to a sanitary inspector that any accumulation of any obnoxious matter, whether manure, dung, soil, filth, or other matter, ought to be removed, and it is not the duty of the sanitary authority to remove the same, he shall serve notice on the owner thereof, or on the occupier of the premises on which it exists, requiring him to remove the same, and if the notice is not complied with within forty-eight hours from the service thereof, exclusive of Sundays and public holidays, the matter referred to shall be the property of the sanitary authority, and be removed and disposed of by them, and the proceeds (if any) of such disposal shall be applied in payment of the expenses incurred with reference to the matter removed, and the surplus (if any) shall be paid on demand to the former owner of the matter.

Removal of filth on requisition of sanitary inspector.

(2.) The expenses of such removal and disposal, so far as not covered by such proceeds, may be recovered by the sanitary authority in a summary manner from the former owner of the matter removed, or from the occupier, or, where there is no occupier, the owner, of the premises.

36.—(1.) The sanitary authority, if they think fit, may employ a sufficient number of scavengers, or contract with any scavengers, whether a company or individuals, for collecting and removing the manure and other refuse matter from any stables and cowhouses within their district, the occupiers of which signify their consent in writing to such removal: provided that—

Removal of refuse from stables, cow-houses, etc.

(a.) such consent shall not be withdrawn or revoked without one month's previous notice to the sanitary authority, and

*Removal of
Refuse.*

- (b.) no person shall be hereby relieved from any fine to which he may be subject for placing dung or manure upon any footways or carriageways, or for having any accumulation or deposit of manure or other refuse matter so as to be a nuisance or injurious or dangerous to health. [See ss. 2 (1) (d) and 16 (1).]

(2.) Notice may be given by a sanitary authority (by public announcement in the district or otherwise) requiring the periodical removal of manure or other refuse matter from stables, cowhouses, or other premises; and, where any such notice has been given, if any person to whom the manure or other refuse matter belongs fails to comply with the notice, he shall be liable without further notice to a fine not exceeding twenty shillings for each day during which such non-compliance continues.

*Regulations
as to Water-
closets, etc.*

Regulations as to Waterclosets, etc.

Obligation
to provide
waterclosets,
etc.

37.—(1.) It shall not be lawful newly to erect any house or to rebuild any house pulled down to or below the ground floor without a sufficient ashpit furnished with proper doors and coverings, and one or more proper and sufficient waterclosets according as circumstances may require, furnished with suitable water supply and water supply apparatus, and with suitable trapped soilpan and other suitable works and arrangements, so far as may be necessary to ensure the efficient operation thereof. [See 4 *Edw. 7, c. cexliv. s. 23.*]

(2.) If any person offends against the foregoing enactment of this section, he shall be liable to a fine not exceeding twenty pounds.

(3.) If at any time it appears to the sanitary authority that any house, whether built before or after the commencement of this Act, is without such ashpit or waterclosets as aforesaid, the sanitary authority shall cause notice to be served on the owner or occupier of the house, requiring him forthwith, or within such reasonable time as is specified in the notice, to provide the same in accordance with the directions in the notice; and, if the notice is not complied with, the said owner or occupier shall be liable to a fine not exceeding five pounds, and a further fine not exceeding forty shillings for each day during which the offence continues; or the sanitary authority, if they think fit, in lieu of proceeding for a fine, may enter on the premises and execute such works as the case may require, and may recover the expenses incurred by them in so doing from the owner of the house.

(4.) Provided that—

(a) where sewerage or water supply sufficient for a watercloset is not reasonably available, this section shall be complied with by the provision of a privy or earth-closet; and

(b) where a watercloset has before the commencement of this Act been and is used in common by the inmates of two or more houses, and in the opinion of the sanitary authority may continue to be properly so used, they need not require a watercloset to be provided for each house.

(5.) Any person who thinks himself aggrieved by any notice or act of a sanitary authority under this section may appeal to the County Council, whose decision shall be final. [See ss. 126 and 133 (a), and 18 & 19 *Vict. c. 120, ss. 211 and 212.*]

38.—(1.) Every factory, workshop, and workplace, whether erected before or after the passing of this Act, shall be provided with

Sanitary
conveni-
ences for

sufficient and suitable accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in or in attendance at such building, and also where persons of both sexes are, or are intended to be, employed, or in attendance, with proper separate accommodation for persons of each sex.

Regulations as to Water-closets, etc. manufactories, etc.

(2.) Where it appears to a sanitary authority that this section is not complied with in the case of any factory, workshop, or workplace, the sanitary authority shall, by notice served on the owner or occupier of such factory, workshop, or workplace, require him to make the alterations and additions necessary to secure such compliance, and if the person served with such notice fails to comply therewith he shall be liable to a fine not exceeding twenty pounds, and to a fine not exceeding forty shillings for every day after conviction during which the non-compliance continues.

39.—(1.) The County Council shall make byelaws with respect to waterclosets, earth closets, privies, ashpits, cesspools, and receptacles for dung, and the proper accessories thereof in connexion with buildings, whether constructed before or after the passing of this Act. [See ss. 114 and 133 (b).]

Byelaws as to water-closets, etc.

(2.) Every sanitary authority shall make byelaws with respect to the keeping of waterclosets supplied with sufficient water for their effective action. [See s. 114.]

(3.) It shall be the duty of every sanitary authority to observe and enforce the byelaws under this section; and any directions given by the sanitary authority under this Act shall be in accordance with the said byelaws, and so far as they are not so in accordance shall be void. [See 4 Edw. 7, c. cexliv. s. 23.]

40.—(1.) The sanitary authority may examine any of the following works, that is to say, any watercloset, earth closet, privy, ashpit, or cesspool, and any water supply, sink, trap, siphon, pipe, or other works or apparatus connected therewith, upon any premises within their district, and for that purpose, or for the purpose of ascertaining the course of a drain, may at all reasonable times by day, after twenty-four hours' notice has been served on the occupier of the premises, or if they are unoccupied on the owner, or in case of emergency without notice, enter on any premises, and cause the ground to be opened in any place they think fit, doing as little damage as may be.

Power for sanitary authority to authorise examination of water-closets, etc.

(2.) If any such work as aforesaid is found on examination to be in accordance with this Act and the byelaws of the County Council and sanitary authority and directions of the sanitary authority given in any notice under this Act, and in proper order and condition, the sanitary authority shall cause the same to be reinstated and made good as soon as may be, and shall defray the expenses of examination, reinstating, and making good the same, and pay full compensation for all damages or injuries done or occasioned by the examination; but if on examination any such work is found not to be in proper order or condition, or not to have been made or provided by any person according to the said byelaws and directions, or to be contrary to this Act, the reasonable expenses of the examination shall be repaid to the sanitary authority by the person offending, and may be recovered by that authority in a summary manner.

41.—(1.) In any of the following cases—

(a) if, on such examination as in the preceding section mentioned, any such work as therein mentioned is found not to have

Penalty on persons improperly making or

*Regulations
as to Water-
closets, etc.*
altering
waterclosets,
etc.

been made or provided by any person according to the by-laws of the County Council and sanitary authority, and the directions of the sanitary authority given in any notice under this Act, or to be contrary to this Act, or

- (b) if a person, without the consent of the sanitary authority, constructs or rebuilds any watercloset, earth closet, privy, ashpit, or cesspool which has been ordered by them either not to be made, or to be demolished, or
- (c) if a person discontinues any water supply without lawful authority, or
- (d) if a person destroys any sink, trap, siphon, pipe, or any connected works or apparatus as aforesaid either without lawful authority or so that the destruction creates a nuisance or is injurious or dangerous to health,

every person so offending shall be liable to a fine not exceeding ten pounds; and if he does not, within fourteen days after notice is served on him by the sanitary authority, or within any further time allowed by that authority or appearing to a petty sessional court necessary for the execution of the works, cause such water-closet, earth closet, privy, ashpit, or cesspool to be altered or reinstated in conformity with the said by-laws and directions, or, as the case may be, to be demolished, or such water supply to be renewed, or such sink, trap, siphon, pipe or other connected works or apparatus to be restored, such person shall be liable to a fine not exceeding twenty shillings for each day during which the offence continues; or the sanitary authority, if they think fit, in lieu of proceeding for a fine, may enter on the premises and cause the work to be done, and the expenses thereof shall be paid by the person who has so offended. [*See also s. 15.*]

(2.) If, on such examination as aforesaid, any watercloset, earth closet, privy, ashpit, or cesspool, or any water supply, sink, trap, siphon, pipe, or any of the connected works or apparatus as aforesaid, appears to be in bad order and condition, or to require cleansing, alteration, or amendment, or to be filled up, the sanitary authority shall cause notice to be served on the owner or occupier of the premises, upon or in respect of which the inspection was made, requiring him forthwith, or within a reasonable time specified in the notice, to do what is necessary to place the work in proper order and condition; and if such notice is not complied with, the said owner or occupier shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for each day during which the offence continues; or the sanitary authority, if they think fit, in lieu of proceeding for a fine, may enter on the premises and execute the works, and the expenses incurred by them in so doing shall be paid to them by the owner or occupier of the premises.

(3.) Any person who thinks himself aggrieved by any notice or act of a sanitary authority under this section in relation to any watercloset, earth closet, privy, ashpit, or cesspool, may appeal to the County Council, whose decision shall be final. [*See ss. 126 and 133 (a), and 18 & 19 Vict. c. 120, ss. 211 and 212.*]

Improper
construction
or repair of
watercloset
or drain.

42. If a watercloset or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health, the person who undertook or executed such construction or repair shall, unless he shows that such construction or repair was not due to any wilful act, neglect, or default, be liable to a fine not exceeding twenty pounds:

Provided that where a person is charged with an offence under

this section he shall be entitled, upon information duly laid by him, to have any other person, being his agent, servant, or workman, whom he charges as the actual offender, brought before the court at the time appointed for hearing the charge, and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence, and that the said other person committed the offence without his knowledge, consent, or connivance, he shall be exempt from any fine, and the said other person may be summarily convicted of the offence.

*Regulations
as to Water-
closets, etc.*

43.—(1.) Every sanitary authority—

(a) shall drain, cleanse, cover, or fill up, or cause to be drained, cleansed, covered, or filled up, all ponds, pools, open ditches, drains, and places containing or used for the collection of any drainage, filth, water, matter, or thing of an offensive nature, or likely to be prejudicial to health, which may be situate in their district; and

*Sanitary
authority
to cause
offensive
ditches,
drains, etc.
to be cleansed
or covered.*

(b) shall cause notice to be served on the person causing any such nuisance, or on the owner or occupier of any premises whereon the same exists, requiring him, within the time specified in such notice, to drain, cleanse, cover, or fill up such pond, pool, ditch, drain, or place, or to construct a proper drain for the discharge of such filth, water, matter, or thing, or to execute such other works as the case may require. [*See also s. 2 (1) (b).*]

(2.) If the person on whom such notice is served fails to comply therewith, he shall be liable to a fine not exceeding five pounds, and a further fine not exceeding forty shillings for each day during which the offence continues; or the sanitary authority, if they think fit, in lieu of proceeding for a fine, may enter on the premises and execute such works as may be necessary for the abatement of the nuisance, and may recover the expenses thereby incurred from the owner of the premises: Provided that—

(a) the sanitary authority, where they think it reasonable, may defray all or any portion of the said expenses, as expenses of sewerage are to be defrayed by that authority; and

(b) where any work which a sanitary authority does or requires to be done in pursuance of this section interferes with or prejudicially affects any ancient mill, or any right connected therewith, or other right to the use of water, the sanitary authority shall make full compensation to all persons sustaining damage thereby, in manner provided by the Metropolis Management Act, 1855, or if they think fit, may purchase such mill, or any such right connected therewith, or other right to the use of water; and the provisions of the said Act with respect to purchases by the sanitary authority shall be applicable to every such purchase as aforesaid.

[*See 18 & 19 Vict. c. 120, ss. 150—155, 158—160, 225, and 226.*]

(3.) Any person who thinks himself aggrieved by any notice or act of a sanitary authority under this section in relation to the construction, covering, filling up, or other alteration of any drain may appeal to the County Council, whose decision shall be final. [*See ss. 126 and 133 (a), and 18 & 19 Vict. c. 120, ss. 211 and 212.*]

44.—(1.) Every sanitary authority may provide and maintain public lavatories and ashpits and public sanitary conveniences other than privies, in situations where they deem the same to be required,

*Power to
sanitary
authority to*

*Regulations
as to Water-
closets, etc.
provide
public con-
veniences.*

and may supply such lavatories and sanitary conveniences with water, and may defray the expense of providing such lavatories, ashpits, and sanitary conveniences, and of any damage occasioned to any person by the erection or construction thereof, and the expense of keeping the same in good order, as if they were expenses of sewerage. [See 18 & 19 Vict. c. 120, ss. 158—160.]

(2.) For the purpose of such provision the subsoil of any road, exclusive of the footway adjoining any building or the curtilage of a building, shall be vested in the sanitary authority.

*Regulations
as to public
sanitary
conveni-
ences.*

45.—(1.) Where a sanitary authority provide and maintain any public lavatories, ashpits, or sanitary conveniences, such authority may—

- (a) make regulations with respect to the management thereof, and byelaws as to the decent conduct of persons using the same : and
- (b) let the same for any term not exceeding three years at such rent and subject to such conditions as they may think fit ; and
- (c) charge such fees for the use of any lavatories or waterclosets provided by them as they may think proper.

(2.) No public lavatory, ashpit, or sanitary convenience shall be erected in or accessible from any street without the consent in writing of the sanitary authority, who may give their consent upon such terms as to the use thereof or the removal thereof at any time, if required by the sanitary authority, as they may think fit.

(3.) If any person erects a lavatory, ashpit, or sanitary convenience in contravention of this section, and after notice to that effect served by the sanitary authority does not remove the same, he shall be liable to a fine not exceeding five pounds, and to a fine not exceeding twenty shillings for every day during which the offence continues after a conviction for the offence.

(4.) Nothing in this section shall extend to any lavatory or sanitary convenience now or hereafter erected by any railway company within their railway station yard or the approaches thereto. [See 4 Edw. 7, c. cxxiv. ss. 22 and 23.]

*Sanitary
conveniences
used in
common.*

46. The following provisions shall have effect with respect to any sanitary convenience used in common by the occupiers of two or more separate dwelling-houses, or by other persons :—

- (1.) If any person injures or improperly fouls any such sanitary convenience, or anything used in connexion therewith, he shall for each offence be liable to a fine not exceeding ten shillings ;
- (2.) If any such sanitary convenience or the approaches thereto, or the walls, floors, seats, or fittings thereof, is or are in the opinion of the sanitary authority or of their sanitary inspector or medical officer of health in such a state as to be a nuisance or annoyance to any inhabitant of the district for want of the proper cleansing thereof, such of the persons having the use thereof in common as may be in default, or, in the absence of proof satisfactory to the court as to which of the persons having the use thereof in common is in default, each of those persons, shall be liable to a fine not exceeding ten shillings, and to a fine not exceeding five shillings for every day during which the offence continues after a conviction for the offence.

*Unsound Food.**Unsound Food.*

47.—(1.) Any medical officer of health or sanitary inspector may at all reasonable times enter any premises and inspect and examine

Inspection and destruction of unsound meat, etc.

(a) any animal intended for the food of man which is exposed for sale, or deposited in any place for the purpose of sale, or of preparation for sale, and

(b) any article, whether solid or liquid, intended for the food of man, and sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale,

the proof that the same was not exposed or deposited for any such purpose or was not intended for the food of man, resting with the person charged; and if any such animal or article appears to such medical officer or inspector to be diseased, or unsound, or unwholesome, or unfit for the food of man, he may seize and carry away the same himself or by an assistant, in order to have the same dealt with by a Justice.

(2.) If it appears to a Justice that any animal or article which has been seized or is liable to be seized under this section is diseased, or unsound, or unwholesome, or unfit for the food of man, he shall condemn the same, and order it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man; and the person to whom the same belongs or did belong at the time of sale or exposure for sale, or deposit for the purpose of sale or of preparation for sale, or in whose possession or on whose premises the same was found, shall be liable on summary conviction to a fine not exceeding fifty pounds for every animal, or article, or if the article consists of fruit, vegetables, corn, bread, or flour, for every parcel thereof so condemned, or, at the discretion of the court, without the infliction of a fine, to imprisonment for a term of not more than six months with or without hard labour.

(3.) Where it is shown that any article liable to be seized under this section, and found in the possession of any person was purchased by him from another person for the food of man, and when so purchased was in such a condition as to be liable to be seized and condemned under this section, the person who so sold the same shall be liable to the fine and imprisonment above mentioned, unless he proves that at the time he sold the said article he did not know, and had no reason to believe, that it was in such condition.

(4.) Where a person convicted of an offence under this section has been within twelve months previously convicted of an offence under this section, the court may, if it thinks fit, and finds that he knowingly and wilfully committed both such offences, order that a notice of the facts be affixed, in such form and manner, and for such period not exceeding twenty-one days, as the court may order, to any premises occupied by that person, and that the person do pay the costs of such affixing; and if any person obstructs the affixing of such notice, or removes, defaces, or conceals the notice while affixed during the said period, he shall for each offence be liable to a fine not exceeding five pounds.

(5.) If the occupier of a licensed slaughter-house is convicted of an offence under this section, the court convicting him may cancel the licence for such slaughter-house.

(6.) If any person obstructs an officer in the performance of his duty under any warrant for entry into any premises granted by a Justice in pursuance of this Act for the purposes of this section, he shall, if the court is satisfied that he obstructed with intent to

Unsound Food.

prevent the discovery of an offence against this section, or has within twelve months previously been convicted of such obstruction, be liable to imprisonment for any term not exceeding one month in lieu of any fine authorised by this Act for such obstruction. [See s. 116.]

(7.) A Justice may act in adjudicating on an offender under this section, whether he has or has not acted in ordering the animal or article to be destroyed or disposed of.

(8.) Where a person has in his possession any article which is unsound or unwholesome or unfit for the food of man, he may, by written notice to the sanitary authority, specifying such article, and containing a sufficient identification of it, request its removal, and the sanitary authority shall cause it to be removed as if it were trade refuse. [See s. 33.]

Provisions as to Water.

Provisions as to house without proper water supply.

Provisions as to Water.

48.—(1.) An occupied house without a proper and sufficient supply of water shall be a nuisance liable to be dealt with summarily under this Act, and, if it is a dwelling-house, shall be deemed unfit for human habitation.

(2.) A house which after the commencement of this Act is newly erected, or is pulled down to or below the ground floor and rebuilt, shall not be occupied as a dwelling-house until the sanitary authority have certified that it has a proper and sufficient supply of water, either from a water company* or by some other means.

(3.) If the sanitary authority refuse such certificate, or fail to give it within one month after written request for the same from the owner of the house, the owner of the house may apply to a petty sessional court, and that court, after hearing or giving the sanitary authority an opportunity to be heard, may, if they think the certificate ought to have been granted, make an order authorising the occupation of the house; but, unless such order is made, an owner who occupies or permits to be occupied the house as a dwelling-house without such certificate shall be liable to a fine not exceeding ten pounds, and to a fine not exceeding twenty shillings for every day during which it is so occupied until a proper and sufficient supply of water is provided; but the imposition of such fine shall be without prejudice to any proceedings for obtaining a closing order.

[See also the *Waterworks Clauses Act 1847*, ss. 54, 57, 74; the *Waterworks Clauses Act 1863*, s. 16; the *Water Companies (Regulation of Powers) Act 1887*, s. 4; the *West Middlesex Waterworks Act 1852*, s. 35; the *New River Company's Act 1852*, s. 29; the *East London Waterworks Act 1853*, ss. 64—67; the *Southwark & Vauxhall Water Act 1852*, s. 49; the *Chelsea Waterworks Act 1852*, s. 55; the *Grand Junction Waterworks Act 1852*, s. 42; 15 & 16 Vict. c. 84, s. 25 (see *Appendix*); and 34 & 35 Vict. c. 113, s. 32 (see *Appendix*).]

Notice to sanitary authority of water supply being cut off.

49.—(1.) Where a water company* may lawfully cut off the water supply to any inhabited dwelling-house and cease to supply such dwelling-house with water for non-payment of water rate or other cause, the company* shall in every case, within twenty-four hours after exercising the said right, give notice thereof in writing to the sanitary authority of the district in which the house is situated. [See the *Waterworks Clauses Act 1863*, s. 16, and 34 & 35 Vict. c. 113, s. 17. (See *Appendix*).]

* The powers of the metropolitan water companies are now vested in the Metropolitan Water Board. See 2 Edw. 7, c. 41.

(2.) Any company which neglects to comply with the foregoing provision shall be liable to a fine not exceeding ten pounds, and it shall be the duty of the sanitary authority to take proceedings against any company in default. *Provisions as to Water.*

(3.) This section shall apply to every water company which is a trading company supplying water for profit.

50. Every sanitary authority shall make byelaws for securing the cleanliness and freedom from pollution of tanks, cisterns, and other receptacles used for storing of water used or likely to be used by man for drinking or domestic purposes,* or for manufacturing drink for the use of man. *Cleansing of cisterns.* [See s. 114.]

51.—(1.) All existing public cisterns, reservoirs, wells, fountains, pumps, and works used for the gratuitous supply of water to the inhabitants of the district of any sanitary authority, and not vested in any person or authority other than the sanitary authority, shall vest in and be under the control of the sanitary authority; and that authority may maintain the same and plentifully supply them with pure and wholesome water, or may substitute, maintain, and plentifully supply with pure and wholesome water other such works equally convenient, and may maintain and supply with water as aforesaid other public cisterns, reservoirs, wells, fountains, pumps, and other such works within their district. *Power of sanitary authority as to public fountains.*

(2.) The sanitary authority may provide and maintain public wells, pumps, and drinking fountains in such convenient and suitable situations as they may deem proper.

(3.) If any person wilfully damages any of the said wells, pumps, or fountains, or any part thereof, he shall, in addition to any punishment to which he is liable, pay to the sanitary authority the expenses of repairing or reinstating such well, fountain, pump, or part thereof. [See also ss. 53 and 116.]

52.—(1.) If any person engaged in the manufacture of gas—

(a) causes or suffers to be brought or to flow into any source of water supply, or into any drain or pipe communicating therewith, any washing or other substance produced in making or supplying gas; or, *Penalty for causing water to be corrupted by gas washings.*

(b) wilfully or negligently does any act connected with the making or supplying of gas whereby the water in any source of water supply is fouled,

he shall for every such offence be liable to a fine of two hundred pounds, and, after the expiration of twenty-four hours notice from the sanitary authority or the person to whom the water belongs in that behalf, to a further fine of twenty pounds for every day during which the offence continues.

(2.) Every such fine may be recovered, with full costs of action, in the High Court, in the case of water belonging to or under the control of the sanitary authority by that authority, and in any other

* See the Chelsea Waterworks Act 1852, s. 62, as follows:

62. "... A supply of water for domestic purposes shall not include a supply of water for steam engines or railway purposes, or for warming or ventilating purposes, or for working any machine or apparatus, or for public baths, horses, cattle, or for washing carriages, or for gardens, fountains, or ornamental purposes, or for flushing sewers or drains, or for any trade, or manufacture, or business requiring an extra supply of water."

See also East London Waterworks Act 1853, s. 72; Grand Junction Waterworks Act 1852, s. 48; Kent Waterworks Act 1864, s. 29; Lambeth Waterworks Act 1848, s. 39; New River Company's Act 1852, s. 38; Southwark & Vauxhall Water Act 1852, s. 55; and the West Middlesex Waterworks Act 1852, s. 42.

*Provisions
as to Water.*

case by the person into whose water such washing or other substance is brought or flows, or whose water is fouled by any such act as aforesaid, or in default of proceedings by such person after notice to him from the sanitary authority of their intention to proceed for such fine, by the sanitary authority; but such fine shall not be recoverable unless it is sued for during the continuance of the offence, or within six months after it has ceased. [See also the *Gasworks Clauses Act 1847*, ss. 21—23; the *Waterworks Clauses Act 1847*, ss. 62—67; 23 & 24 *Vict. c.* 125, ss. 51 and 52; the *Gasworks Clauses Act 1871*, s. 36; the *Commercial Gas Act 1875*, s. 88; *Gaslight & Coke Company's Act 1876*, s. 65; and the *South Metropolitan Gaslight & Coke Company's Act 1869*, s. 83.]

Penalty for
fouling
water.

53. If any person does any act whereby any fountain or pump is willfully or maliciously damaged, or is guilty of any act or neglect whereby the water of any well, fountain, or pump used or likely to be used by man for drinking or domestic purposes, or for manufacturing drink for the use of man, is polluted or fouled, he shall be liable to a fine not exceeding five pounds for each offence, and a further fine not exceeding twenty shillings for every day during which the offence continues after notice is served on him by the sanitary authority in relation thereto, but this section shall not extend to offences against the last preceding section by persons engaged in the manufacture of gas. [See the *Waterworks Clauses Act 1847*, s. 61.]

Power to
close polluted
wells, etc.

54.—(1.) On the representation of any person to a sanitary authority that within their district the water in any well, tank, or cistern, public or private, or supplied from any public pump, is used or likely to be used by man for drinking or domestic purposes, or for manufacturing drink for the use of man, and is so polluted, or is likely to be so polluted, as to be injurious or dangerous to health, a petty sessional court, on complaint by such authority and after hearing the person who is the owner or occupier of the premises to which the well, tank, or cistern belongs, if it be private, or in the case of a public well, tank, cistern, or pump, is alleged in the complaint to be interested in the same, or after giving him an opportunity of being heard, may by summary order direct the well, tank, cistern, or pump to be permanently or temporarily closed, or make such other order as appears to the court requisite to prevent injury or danger to the health of persons drinking the water.

(2.) The court may, if they see fit, cause the water complained of to be analysed at the cost of the sanitary authority complaining.

(3.) If the person on whom the order is made fails to comply therewith, he shall be liable to a fine not exceeding twenty pounds, and a petty sessional court on complaint by the sanitary authority may authorise that authority to execute the order, and any expenses incurred by them in so doing may be recovered in a summary manner from the said person. [See s. 117.]

*Infectious
Diseases.—
Notification.**Infectious Diseases.—Notification.*Notification
of infectious
disease.

55.—(1.) Where an inmate of any house within the district of a sanitary authority is suffering from an infectious disease to which this section applies, the following provisions shall have effect, that is to say:—

(a.) The head of the family to which such inmate (in this section referred to as the patient) belongs, and in his default the nearest relatives of the patient present in the house or being in attendance on the patient, and in default of such relatives, every person in charge of or in attendance on the patient, and in default of any such person the master of the house, shall, as soon as he becomes aware that the patient is suffering from an infectious disease to which this section applies, send notice thereof to the medical officer of health of the district : [*See also 14 & 15 Vict. c. 28, s. 11, and 2 Edw. 7, c. clxxiii. s. 53 (2) (c).*]

Infectious Diseases.—Notification.

(b.) Every medical practitioner attending on or called in to visit the patient shall forthwith, on becoming aware that the patient is suffering from an infectious disease to which this section applies, send to the medical officer of health of the district a certificate stating the full name and the age and sex of the patient, the full postal address of the house, and the infectious disease from which in the opinion of such medical practitioner the patient is suffering, and stating also whether the case occurs in the private practice of such practitioner or in his practice as a medical officer of any public body or institution, and where the certificate refers to the inmate of a hospital it shall specify the place from which and the date at which the inmate was brought to the hospital, and shall be sent to the medical officer of health of the district in which the said place is situate :

Provided that, in the case of a hospital of the Metropolitan Asylum Managers, a notice or certificate need not be sent respecting any inmate with respect to whom a copy of the certificate has been previously forwarded by the medical officer of health of the district to the said Managers.

(2.) Every person required by this section to send a notice or certificate, who fails forthwith to send the same, shall be liable to a fine not exceeding forty shillings : Provided that if a person is not required to send notice in the first instance, but only in default of some other person, he shall not be liable to any fine if he satisfies the court that he had reasonable cause to suppose that the notice had been duly sent.

(3.) The Local Government Board may prescribe forms for the purpose of certificates to be sent in pursuance of this section, and if such forms are so prescribed, they shall be used in all cases to which they apply. The sanitary authority shall gratuitously supply forms of certificate to any medical practitioner residing or practising in their district who applies for the same, and shall pay to every medical practitioner for each certificate duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice, and of one shilling if the case occurs in his practice as medical officer of any public body or institution.

(4.) Where a medical officer of health receives a certificate under this section relating to a patient within the Metropolitan Asylum district,* he shall, within twelve hours after such receipt, send a copy thereof to the Metropolitan Asylum Managers, and to the head teacher of the school attended by the patient (if a child), or by any child who is an inmate of the same house as the patient. The

* See 30 & 31 Vict. c. 6, s. 6.

*Infectious
Diseases.—
Notification.*

Metropolitan Asylum Managers shall repay to the sanitary authority the fees paid by that authority in respect of the certificates whereof copies have been so sent to the Managers. The Managers shall send weekly to the County Council, and to every medical officer of health, such return of the infectious diseases of which they receive certificates in pursuance of this section as the County Council require.

(5.) Where in any district of a sanitary authority there are two or more medical officers of health of that authority, a certificate under this section shall be sent to such one of those officers as has charge of the area in which is the patient referred to in the certificate, or to such other of those officers as the sanitary authority may direct.

(6.) A notice or certificate to be sent to a medical officer in pursuance of this section may be sent to such officer at his office or residence.

(7.) This section shall apply to every building, vessel, tent, van, shed, or similar structure used for human habitation, in like manner as nearly as may be as if it were a house; but nothing in this section shall extend to any house, building, vessel, tent, van, shed, or similar structure belonging to Her Majesty the Queen, or to any inmate thereof, nor to any vessel belonging to any foreign government. [*See ss. 95 and 110 (1).*]

(8.) In this section the expression “infectious disease to which this section applies” means any of the following diseases, namely, small-pox, cholera, diphtheria, membranous croup, erysipelas, the disease known as scarlatina or scarlet fever, and the fevers known by any of the following names, typhus, typhoid, enteric, relapsing, continued, or puerperal, and includes as respects any particular district any infectious disease to which this section has been applied by the sanitary authority of the district in manner provided by this Act.

Power of
sanitary
authority to
add to
number of
infectious
diseases of
which noti-
fication is
required.

56.—(1.) The sanitary authority of any district may, by resolution passed at a meeting of that authority of which such notice has been given as in this section mentioned, order that the foregoing section with respect to the notification of infectious disease shall apply in their district to any infectious disease other than a disease specifically mentioned in that section; any such order may be permanent or temporary, and, if temporary, the period during which it is to continue in force shall be specified therein, and any such order may be revoked or varied by the sanitary authority which made the same.

(2.) Fourteen clear days at least before the meeting at which such resolution is proposed special notice of the meeting, and of the intention to propose the making of such order, shall be given to every member of the sanitary authority, and the notice shall be deemed to have been duly given to a member if it is given in the mode in which notices to attend meetings of the sanitary authority are usually given.

(3.) An order under this section and the revocation and variation of any such order shall not be of any validity until it has been approved by the Local Government Board, and when it is so approved the sanitary authority shall give public notice thereof by advertisement in a local newspaper, and by handbills, and otherwise in such manner as the sanitary authority think sufficient for giving information to all persons interested; they shall also send a

copy thereof to each legally qualified medical practitioner whom, after due inquiry, they ascertain to be residing or practising in their district.

Infectious Diseases.—Notification.

(4.) The said order shall come into operation at such date not earlier than one week after the publication of the first advertisement of the approved order as the sanitary authority may fix, and upon the order coming into operation, and during the continuance thereof, an infectious disease mentioned in the order shall, within the district of the authority, be an infectious disease to which the foregoing section with respect to the notification of infectious disease applies.

(5.) In the case of emergency three clear days notice of the meeting and of the intention to propose the making of the order shall be sufficient, and the resolution shall declare the cause of the emergency and shall be for a temporary order, and a copy thereof shall be forthwith sent to the Local Government Board and advertised, and the order shall come into operation at the expiration of one week from the date of the advertisement; but unless approved by the Local Government Board shall cease to be in force at the expiration of one month after it is passed, or any earlier date fixed by the Local Government Board; if it is approved by the Local Government Board that approval shall be conclusive evidence that the case was one of emergency.

(6.) The County Council shall, as respects London, have the same power of extending the foregoing section by order to any infectious disease, and the same power of revoking and varying the order, as a sanitary authority have under this section as respects their district; and the foregoing section when so extended by the County Council shall be construed as if it had been applied under this section as respects every district in London by the sanitary authority thereof.

57.—(1.) A payment made to any medical practitioner in pursuance of the provisions of this Act with respect to the notification of infectious disease shall not disqualify that practitioner for serving as member of the County Council, or of a sanitary authority, or as guardian of a poor law union, or in any other public office. [*See the Municipal Corporations Act 1882, s. 12 (see Appendix); 51 & 52 Vict. c. 41, s. 75; the Local Government Act 1894, ss. 23, 30, 31, and 46; and 62 & 63 Vict. c. 14, s. 2 (5).*]

Non-disqualification of medical officer by receipt of fees.

(2.) Where a medical practitioner attending on a patient is himself the medical officer of health of the district, he shall be entitled to the same fee as if he were not such medical officer.

Infectious Diseases.—Prevention.

58. The following provisions of this Act relating to dangerous infectious diseases shall apply to the infectious diseases specifically mentioned in the foregoing enactment of this Act relating to the notification of infectious disease, and all or any of such provisions may be applied by order to any other infectious disease in the same manner as that enactment may be applied to such disease, subject to the same power of revoking and varying the order, and every such infectious disease is in this Act referred to as a dangerous infectious disease.

Infectious Diseases.—Prevention.

Application of special provisions to certain infectious diseases.

59.—(1.) Every sanitary authority shall provide, either within or without their district, proper premises with all necessary apparatus and attendance for the destruction and for the disinfection, and carriages or vessels for the removal, of articles (whether bedding,

Provision of means for disinfecting of bedding, etc.

*Infectious
Diseases.—
Prevention.*

clothing, or other) which have become infected by any dangerous infectious disease, and may provide the same for the destruction, disinfection, and removal of such articles when infected by any other disease; and shall cause any such articles brought for destruction or disinfection, whether alleged to be infected by any dangerous infectious disease or by any other disease, to be destroyed or to be disinfected and returned, and may remove, and may destroy, or disinfect and return, such articles free of charge.

(2.) Any sanitary authorities may execute their duty under this section by combining for the purposes thereof, or by contracting for the use by one of the contracting authorities of any premises provided for the purpose of this section by another of such contracting authorities, and may so combine or contract upon such terms as may be agreed upon. [*See 4 Edw. 7, c. cexliv. s. 21.*]

Cleansing
and dis-
infecting of
premises, etc.

60.—(1.) Where the medical officer of health of any sanitary authority, or any other legally qualified medical practitioner, certifies that the cleansing and disinfecting of any house, or part thereof, and of any articles therein likely to retain infection, or the destruction of such articles, would tend to prevent or check any dangerous infectious disease, the sanitary authority shall serve notice on the master, or where the house or part is unoccupied on the owner, of such house or part that the same and any such articles therein will be cleansed and disinfected or (as regards the articles) destroyed, by the sanitary authority, unless he informs the sanitary authority within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the house or part and any such articles or destroy such articles to the satisfaction of the medical officer of health, or of any other legally qualified medical practitioner, within a time fixed in the notice.

(2.) If either—

(a) within twenty-four hours from the receipt of the notice, the person on whom the notice is served does not inform the sanitary authority as aforesaid, or

(b) having so informed the sanitary authority he fails to have the house or part thereof and any such articles disinfected or such articles destroyed as aforesaid within the time fixed in the notice, or

(c) the master or owner without such notice gives his consent, the house or part and articles shall be cleansed and disinfected or such articles destroyed by the officers and at the cost of the sanitary authority under the superintendence of the medical officer of health.

(3.) For the purpose of carrying into effect this section the sanitary authority may enter by day on any premises. [*See s. 116.*]

(4.) The sanitary authority shall provide, free of charge, temporary shelter or house accommodation with any necessary attendants for the members of any family in which any dangerous infectious disease has appeared, who have been compelled to leave their dwellings, for the purpose of enabling such dwellings to be disinfected by the sanitary authority.

(5.) When the sanitary authority have disinfected any house, part of a house, or article, under the provisions of this section, they shall compensate the master or owner of such house, or part of a house, or the owner of such article, for any unnecessary damage thereby caused to such house, part of a house, or article; and when the authority destroy any article under this section they

shall compensate the owner thereof; and the amount of any such compensation shall be recoverable in a summary manner. [See 4 *Edw. 7, c. cexliv. ss. 19—21, 24 and 25.*]

Infectious Diseases.—Prevention.

61.—(1.) Any sanitary authority may serve a notice on the owner of any bedding, clothing, or other articles which have been exposed to the infection of any dangerous infectious disease, requiring the delivery thereof to an officer of the sanitary authority for removal for the purpose of destruction or disinfection; and if any person fails to comply with such notice he shall, on the information of the sanitary authority, be liable to a fine not exceeding ten pounds.

Disinfection of bedding, etc.

(2.) The bedding, clothing, and articles if so disinfected by the sanitary authority shall be brought back and delivered to the owner free of charge, and if any of them suffer any unnecessary damage the authority shall compensate the owner for the same, and the authority shall also compensate the owner for any articles destroyed; and the amount of compensation shall be recoverable in a summary manner. [See *s. 117, and 4 Edw. 7, c. cexliv. ss. 19—21, 24 and 25.*]

62.—(1.) If a person knowingly casts, or causes or permits to be cast, into any ash-pit any rubbish infected by a dangerous infectious disease without previous disinfection, he shall be liable to a fine not exceeding five pounds, and, if the offence continues, to a further fine not exceeding forty shillings for every day during which the offence so continues after the notice hereafter in this section mentioned.

Infectious rubbish thrown into ash-pits, etc., to be disinfected.

(2.) The sanitary authority shall cause their officers to serve notice of the provisions of this section on the master of any house or part of a house in which they are aware that there is a person suffering from a dangerous infectious disease, and on the request of such master shall provide for the removal and disinfection or destruction of the aforesaid rubbish.

63.—(1.) Any person who knowingly lets for hire any house, or part of a house, in which any person has been suffering from any dangerous infectious disease, without having such house or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of a legally qualified medical practitioner, as testified by a certificate signed by him, or (as regards the articles) destroyed, shall be liable to a fine not exceeding twenty pounds.

Penalty on persons letting houses in which infected persons have been lodging.

(2.) For the purposes of this section, the keeper of an inn shall be deemed to let for hire part of a house to any person admitted as a guest into such inn.

64. Any person letting for hire, or showing for the purpose of letting for hire, any house or part of a house, who, on being questioned by any person negotiating for the hire, as to the fact of there being, or within six weeks previously having been, therein any person suffering from any dangerous infectious disease, knowingly makes a false answer to such question, shall be liable, at the discretion of the court, to a fine not exceeding twenty pounds, or to imprisonment, with or without hard labour, for a period not exceeding one month.

Penalty on persons letting houses making false statements as to infectious disease.

65.—(1.) Where a person ceases to occupy any house, or part of a house, in which any person has within six weeks previously been suffering from any dangerous infectious disease, and either—

Penalty on ceasing to occupy house

(a.) fails to have such house, or part of a house, and all articles therein liable to retain infection, disinfected to the satis-

without disinfection

Infectious Diseases.—Prevention.

or notice to owner, or making false answer.

fraction of a legally qualified medical practitioner, as testified by a certificate signed by him, or such articles destroyed, or

- (b.) fails to give to the owner or master of such house, or part of a house, notice of the previous existence of such disease, or
- (c.) on being questioned by the owner or master of, or by any person negotiating for the hire of, such house or part of a house, as to the fact of there having within six weeks previously been therein any person suffering from any dangerous infectious disease, knowingly makes a false answer to such question,

he shall be liable to a fine not exceeding ten pounds.

(2.) The sanitary authority shall cause their officers to serve notice of the provisions of this section on the master of any house or part of a house in which they are aware that there is a person suffering from a dangerous infectious disease.

Removal to hospital of infected persons without proper lodging.

66.—(1.) A person suffering from any dangerous infectious disease, who is without proper lodging or accommodation, or is lodged in a tent or van, or is on board a vessel, may, on a certificate signed by a legally qualified medical practitioner, and with the consent of the superintending body of the hospital to which he is to be removed, be removed by order of a Justice, and at the cost of the sanitary authority of the district where such person is found, to any hospital in or within a convenient distance of London.

(2.) The order may be addressed to such constable or officer of the sanitary authority as the Justice making the same thinks expedient; and if any person wilfully disobeys or obstructs the execution of such order he shall be liable to a fine not exceeding ten pounds.

(3.) Any sanitary authority may make byelaws for removing to any hospital to which that authority are entitled to remove patients, and for keeping in that hospital so long as may be necessary, any persons brought within their district by any vessel who are infected with a dangerous infectious disease. [*See s. 114.*]

Detention of infected person without proper lodging in hospital.

67.—(1.) A Justice, on being satisfied that a person suffering from any dangerous infectious disease is in a hospital, and would not on leaving the hospital be provided with lodging or accommodation in which proper precautions could be taken to prevent the spreading of the disease by such person, may direct such person to be detained in the hospital at the cost of the Metropolitan Asylum Managers * during the time limited by the Justice. Any Justice may enlarge the time as often as appears to him necessary for preventing the spread of the disease.

(2.) The direction may be carried into execution by any officer of any sanitary authority, or of the Metropolitan Asylum Managers,* or by any inspector of police, or any officer of the hospital.

Penalty on exposure of infected persons and things.

68.—(1.) If any person—

- (a.) while suffering from any dangerous infectious disease wilfully exposes himself without proper precautions against spreading the said disease in any street, public place, shop, or inn; or
- (b.) being in charge of any person so suffering, so exposes such sufferer; or

* See note on s. 55 (4).

Infectious Diseases.—Prevention.

(c.) gives, lends, sells, transmits, removes, or exposes, without previous disinfection, any bedding, clothing, or other articles which have been exposed to infection from any such disease;

he shall be liable to a fine not exceeding five pounds.

(2.) Provided that proceedings under this section shall not be taken against persons transmitting with proper precautions any bedding, clothing, or other articles for the purpose of having the same disinfected.

69. A person who knows himself to be suffering from a dangerous infectious disease shall not milk any animal or pick fruit, and shall not engage in any occupation connected with food or carry on any trade or business in such a manner as to be likely to spread the infectious disease, and if he does so he shall be liable to a fine not exceeding ten pounds. [*See also the Dairies, Cowsheds, and Milkshops Order of 1885, par. 9.*]

Prohibition on infected person carrying on business.

70. It shall not be lawful for any owner or driver of a public conveyance knowingly to convey, or for any other person knowingly to place, in any public conveyance, a person suffering from any dangerous infectious disease, or for a person suffering from any such disease to enter any public conveyance, and if he does so he shall be liable to a fine not exceeding ten pounds; and, if any person so suffering is conveyed in any public conveyance, the owner or driver thereof, as soon as it comes to his knowledge, shall give notice to the sanitary authority, and shall cause such conveyance to be disinfected, and if he fails so to do he shall be liable to a fine not exceeding five pounds, and the owner or driver of such conveyance shall be entitled to recover in a summary manner from the person so conveyed by him, or from the person causing that person to be so conveyed, a sum sufficient to cover any loss and expense incurred by him in connexion with such disinfection. It shall be the duty of the sanitary authority, when so requested by the owner or driver of such public conveyance, to provide for the disinfection of the same, and they may do so free of charge. [*See also s. 74.*]

Prohibition on conveyance of infected person in public conveyance.

71.—(1.) If the medical officer of health of any district has evidence that any person in the district is suffering from a dangerous infectious disease attributable to milk supplied within the district from any dairy situate within or without the district, or that the consumption of milk from such dairy is likely to cause any such infectious disease to any person residing in the district, such medical officer shall, if authorised by an order of a Justice having jurisdiction in the place where the dairy is situate, have power to inspect the dairy, and if accompanied by a veterinary inspector or some other properly qualified veterinary surgeon to inspect the animals therein; and, if on such inspection the medical officer of health is of opinion that any such infectious disease is caused from consumption of the milk supplied therefrom, he shall report thereon to the sanitary authority, and his report shall be accompanied by any report furnished to him by the said veterinary inspector* or veterinary surgeon,† and the sanitary authority may thereupon serve on the dairyman notice to appear before them within such time, not less than twenty-four hours, as may be specified in the notice, to show

Inspection of dairies, and power to prohibit supply of milk.

* See the Diseases of Animals Act 1894, s. 59, which defines "veterinary inspector" to mean "an inspector being a member of the Royal College of Veterinary Surgeons, or any veterinary practitioner qualified as approved by the Board of Agriculture."

† See the Veterinary Surgeons Act 1881, s. 17.

Infectious Diseases.—Prevention.

cause why an order should not be made requiring him not to supply any milk therefrom within the district until the order has been withdrawn by the sanitary authority.

(2.) The sanitary authority, if in their opinion he fails to show such cause, may make the said order, and shall forthwith serve notice of the facts on the County Council of the county in which the dairy is situate, and on the Local Government Board, and, if the dairy is situate within the district of another sanitary authority, on such authority.

(3.) The said order shall be forthwith withdrawn on the sanitary authority or their medical officer of health on their behalf being satisfied that the milk supply has been changed, or that the cause of the infection has been removed.

(4.) If any person refuses to permit the medical officer of health, on the production of a Justice's order under this section, to inspect any dairy, or if so accompanied as aforesaid to inspect the animals kept there, or, after any such order has been made, supplies any milk within the district in contravention of the order or sells it for consumption therein, he shall, on the information of the sanitary authority, be liable to a fine not exceeding five pounds, and, if the offence continues, to a further fine not exceeding forty shillings for every day during which the offence continues.

(5.) Provided that—

(a.) proceedings in respect of the offence shall be taken before a court having jurisdiction in the place where the dairy is situate, and

(b.) a dairyman shall not be liable to an action for breach of contract if the breach be due to an order under this section.

(6.) Proceedings may be taken under this section in respect of a dairy situate in the district of a local authority under the Public Health Acts,* and the notice of the facts shall be served on the local authority as if they were a sanitary authority within the meaning of this Act.

(7.) Nothing in or done under this section shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts, 1878 to 1886,† or this Act, or of any order, licence, or act of the Board of Agriculture or the Local Government Board thereunder, or of any order, byelaw, regulation, licence, or act of a local authority made, granted, or done under any such order of the Board of Agriculture or the Local Government Board, or exempt any dairy, building, or thing or any person from the provisions of any general Act relating to dairies, milk, or animals. [See also 4 *Edw.* 7, c. cexliv. s. 27.]

Prohibition of retention of dead body in certain cases.

72.—(1.) A person shall not without the sanction in writing of the medical officer of health, or of a legally qualified medical practitioner, retain unburied for more than forty-eight hours elsewhere than in a room not used at the time as a dwelling-place, sleeping-place, or workroom, the body of any person who has died of any dangerous infectious disease. [See s. 89.]

(2.) If a person acts in contravention of this section he shall, on the information of the sanitary authority, be liable to a fine not exceeding five pounds.

Body of person dying

73.—(1.) If a person dies in a hospital from any dangerous infectious disease, and the medical officer of health, or any legally

* See the Short Titles Act 1896.

† Rep. and replaced by the Diseases of Animals Act 1894.

qualified medical practitioner, certifies that in his opinion it is desirable, in order to prevent the risk of communicating such infectious disease, that the body be not removed from such hospital except for the purpose of being forthwith buried, it shall not be lawful for any person to remove the body except for that purpose; and the body when taken out of such hospital shall be forthwith taken direct to the place of burial, and there buried.

Infectious Diseases.—Prevention.
of infectious disease in hospital, etc. to be removed only for burial.

(2.) If any person wilfully offends against this section he shall, on the information of the sanitary authority, be liable to a fine not exceeding ten pounds.

(3.) Nothing in this section shall prevent the removal of a dead body from a hospital to a mortuary, and such mortuary shall, for the purposes of this section, be deemed part of such hospital. [*See ss. 88—91.*]

74. If—

(a.) a person hires or uses a public conveyance other than a hearse for conveying the body of a person who has died from any dangerous infectious disease, without previously notifying to the owner or driver of the conveyance that such person died from infectious disease, or

Disinfection of public conveyances if used for carrying corpses.

(b.) the owner or driver does not, immediately after the conveyance has to his knowledge been used for conveying such body, provide for the disinfection of the conveyance, he shall, on the information of the sanitary authority, be liable to a fine not exceeding five pounds, and if the offence continues to a further fine not exceeding forty shillings for every day during which the offence continues. [*See s. 70.*]

Hospitals and Ambulances.

75.—(1.) Any sanitary authority may provide for the use of the inhabitants of their district hospitals temporary or permanent, and for that purpose may—

(a.) themselves build such hospitals, or

(b.) contract for the use of any hospital or part of a hospital, or

(c.) enter into any agreement with any person having the management of any hospital for the reception of the sick inhabitants of their district, on payment of such annual or other sum as may be agreed on.

Hospitals and Ambulances.

Power of sanitary authority to provide hospitals.

(2.) Two or more sanitary authorities may combine in providing a common hospital.

76. Any expenses incurred by a sanitary authority in maintaining in a hospital (whether or not belonging to that authority) a patient who is not a pauper, and is not suffering from an infectious disease, shall be a simple contract debt due to the sanitary authority from that patient, or from any person liable by law to maintain him, but proceedings for its recovery shall not be commenced after the expiration of six months from the discharge of the patient, or if he dies in such hospital from the date of his death. [*See the Poor Relief Act 1601, s. 7, and the Married Women's Property Act 1882, ss. 20 and 21.*]

Recovery of cost of maintenance of non-infectious patient in hospital.

77. Any sanitary authority may, with the sanction of the Local Government Board, themselves provide, or contract with any person to provide, a temporary supply of medicine and medical assistance for the poorer inhabitants of their district.

Power to provide temporary supply of medicine.

78. A sanitary authority may provide and maintain carriages suitable for the conveyance of persons suffering from any infectious disease, and pay the expense of conveying therein any person so suffering to a hospital or other place of destination.

Provision of conveyance for infected persons.

*Hospitals
and
Ambulances.*

Power for
Metropolitan
Asylum
Board to provide landing-
places,
vessels, am-
bulances, etc.

79.—(1.) The Metropolitan Asylum Managers * shall continue to maintain the wharves, landing-places, and approaches thereto heretofore provided by them, whether within or without London, and may use the same for the embarkation and landing of persons removed to or from any hospital belonging to the Managers, and for any other purpose in relation thereto.

(2.) The Managers may also provide and maintain vessels for use in connexion with the said wharves or landing-places, and with the hospitals of the Managers, and also carriages suitable for the conveyance of persons suffering from any dangerous infectious disease, and shall cause the vessels and carriages to be from time to time properly cleansed and disinfected, and may provide and maintain such buildings and horses, and employ such persons, and do such other things as are necessary or proper for the purposes of such conveyance.

(3.) The Metropolitan Asylum Managers * may allow any of the said carriages with the necessary attendants to be also used for the conveyance of persons suffering from any dangerous infectious disease to and from hospitals and places other than hospitals provided by the Managers, and may make a reasonable charge for that use. [*See also ss. 84 and 104.*]

Reception of
non-pauper
fever and
small-pox
patients into
hospital in
metropolitan
district.

80.—(1.) The Metropolitan Asylum Managers,* subject to such regulations and restrictions as the Local Government Board prescribe, may admit any person, who is not a pauper, and is reasonably believed to be suffering from fever or small-pox or diphtheria, into a hospital provided by the Managers.

(2.) The expenses incurred by the Managers for the maintenance of any such person shall be paid by the board of guardians of the poor law union from which he is received.

(3.) The said expenses shall be repaid to the board of guardians out of the Metropolitan Common Poor Fund. [*See 30 & 31 Vict. c. 6, ss. 61—72.*]

(4.) The admission of a person suffering from an infectious disease into any hospital provided by the Metropolitan Asylum Managers,* or the maintenance of any such person therein, shall not be considered to be parochial relief, alms, or charitable allowance to any person, or to the parent or husband of any person; nor shall any person or his or her parent or husband be by reason thereof deprived of any right or privilege, or be subjected to any disability or disqualification. [*See the Municipal Corporations Act 1882, s. 9 (3) (b) (see Appendix); the Local Government Act 1894, ss. 31 and 46 (1) (b) (see Appendix); and 62 & 63 Vict. c. 14, s. 2 (5).*]

Reception
into hos-
pital in
Metropolitan
district of
child from
school out-
side London.

81.—(1.) Where the London School Board † send any child to an industrial school which is provided by them outside London, such child shall for the purpose of the enactments relating to the Metropolitan Asylum Managers * be deemed to continue to be an inhabitant of London, and if such child is sent to any hospital of those Managers he shall be deemed to have been sent from that place in London from which he was sent to the said industrial school. [*See the Elementary Education Acts 1870, s. 28, and 1876, ss. 15 and 16.*]

(2.) This section shall apply to that part of London which is not

* See note on s. 55 (4).

† Now the London County Council. See 2 Edw. 7, c. 42, and 3 Edw. 7, c. 24, s. 1.

within the Metropolitan Asylum district* as if it were within that district, and the board of guardians of the poor law union comprising that part shall pay for such child accordingly.

Prevention of Epidemic Diseases.

*Prevention
of Epidemic
Diseases.*

82.—(1.) The sanitary authority of any district within which or part of which regulations issued by the Local Government Board in pursuance of section one hundred and thirty-four of the Public Health Act, 1875, set out in the First Schedule to this Act (in this Act referred to as the epidemic regulations) are in force, shall superintend and see to the execution thereof, and shall appoint and pay such medical or other officers or persons, and do and provide all such acts, matters, and things, as may be necessary for mitigating any disease to which the regulations relate, or for superintending or aiding in the execution of such regulations, or for executing the same, as the case may require.

Sanitary
authority
to execute
epidemic
regulations.
38 & 39 Vict.
c. 55.

(2.) The sanitary authority may direct any prosecution or legal proceedings for or in respect of the wilful violation or neglect of any such regulation.

(3.) The sanitary authority shall have power to enter on any premises or vessel for the purpose of executing or superintending the execution of any of the epidemic regulations.

[See s. 113, the *Public Health Act 1896*, and 56 & 57 Vict. c. cxxxi. s. 13.]

83.—(1.) Whenever, in compliance with the epidemic regulations, any poor law medical officer performs any medical service on board any vessel, he shall be entitled to charge extra for such service, at the general rate of his allowance for services for the poor law union for which he is appointed; and such charges shall be paid by the master of the vessel on behalf of the owners thereof, together with any reasonable expenses for the treatment of the sick.

Poor law
medical
officers en-
titled to costs
of attendance
on board
vessels.

(2.) Where such service is rendered by any medical practitioner who is not a poor law medical officer, he shall be entitled to charge for the service with extra remuneration on account of distance, at the rate which he is in the habit of receiving from private patients of the class of those attended and treated on shipboard, and such charge shall be paid as aforesaid. Any dispute in respect of such charge may, where the charges do not exceed twenty pounds, be determined by a petty sessional court; and that court shall determine summarily the amount which is reasonable, according to the accustomed rate of charge within the place where the dispute arises for attendance on patients of the like class as those in respect of whom the charge is made.

84. The Local Government Board may, if they think fit, by order authorise or require any two or more sanitary authorities to act together for the purposes of the epidemic regulations and prescribe the mode of such joint action, and of defraying the cost thereof, and generally may make any regulations necessary or proper for carrying into execution this section.

Local
Government
Board may
combine
sanitary
authorities.

85.—(1.) The Metropolitan Asylum Managers† shall within their district have for the purpose of the epidemic regulations such powers and duties of a sanitary authority as may be assigned to them by the regulations; and the Local Government Board may make regulations

Metropolitan
Asylum
Managers a
sanitary
authority for

* The hamlet of Penge was the only part of London not within the Metropolitan Asylum District. By the Penge Scheme 1900 made under 62 & 63 Vict. c. 11. Penge ceased to be a portion of London.

† See note on s. 55 (4).

Prevention of Epidemic Diseases.

prevention of epidemic diseases.

Power to let hospitals, etc.

30 & 31 Vict. c. 6.

Repayment to sanitary authorities of certain expenses.

for that purpose and thereby provide for the adjustment of the functions of the Managers relatively to those of any sanitary authorities.

(2.) Subject to such regulations the Metropolitan Asylum Managers* may use any of their property, real or personal, and their staff, for the execution of any powers or duties conferred or imposed on them under this section.

86. Any authority or body of persons having the management and control of any hospital, infirmary, asylum, or workhouse may let the same or any part thereof to the Metropolitan Asylum Managers,* and enter into and carry into effect contracts with those Managers for the reception, treatment, and maintenance therein of persons suffering from cholera or choleraic diarrhœa within the district of the Managers:

Provided that the power conferred by this section shall not, without the consent of the Local Government Board, be exercised with respect to any asylum under the Metropolitan Poor Act, 1867, or any workhouse.

87. The amount expended in pursuance of the epidemic regulations by any sanitary authority in providing any building for the reception of patients or other persons shall, to such extent as may be determined by the Local Government Board, together with two thirds of the salaries or remuneration of any officers or servants employed in any such building under this Act, be repaid to such sanitary authority from the Metropolitan Common Poor Fund † by the receiver of that fund, out of any moneys for the time being in his hands, on the precept of the said Board, to be issued after the production of such evidence in support of the expenditure as they may deem satisfactory, and the said Board may require contributions for the purpose of raising the sums so repayable.

Mortuaries, etc.

Power of local authority to provide mortuaries.

Power of Justice in certain cases to order removal of dead body to mortuary.

Mortuaries, etc.

88. Every sanitary authority shall provide and fit up a proper place for the reception of dead bodies before interment (in this Act called a mortuary), and may make byelaws with respect to the management and charges for the use of the same; they may also provide for the decent and economical interment, at charges to be fixed by such byelaws, of any dead body received into a mortuary. [See s. 114 and the *Burial of Drowned Persons Acts 1808 and 1886.*]

89.—(1.) Where either—

(a.) the body of a person who has died of any infectious disease is retained in a room in which persons live or sleep; or

(b.) the body of a person who has died of any dangerous infectious disease is retained without the sanction of the medical officer of health or any legally qualified medical practitioner for more than forty-eight hours, elsewhere than in a room not used at the time as a dwelling-place, sleeping-place, or work-room; or

(c.) any dead body is retained in any house or room, so as to endanger the health of the inmates thereof, or of any adjoining or neighbouring house or building,

a Justice may, on a certificate signed by a medical officer of health or other legally qualified medical practitioner, direct that the body be removed, at the cost of the sanitary authority, to any available mortuary, and be buried within the time limited by the Justice; and

* See note on s. 55 (4).

† See note on s. 80 (3).

may if it is the body of a person who has died of an infectious disease, or if he considers immediate burial necessary, direct that the body be buried immediately, without removal to the mortuary.

*Mortuaries,
etc.*

(2.) Unless the friends or relations of the deceased undertake to bury and do bury the body within the time so limited, it shall be the duty of the relieving officer to bury such body, and any expense so incurred shall be paid (in the first instance) by the board of guardians of the poor law union, but may be recovered by them in a summary manner from any person legally liable to pay the expense of such burial.

(3.) If any person obstructs the execution of any direction given by a Justice under this section, he shall be liable to a fine not exceeding five pounds.

90.—(1.) Any sanitary authority may, and if required by the County Council shall, provide and maintain a proper building (otherwise than at a workhouse) for the reception of dead bodies during the time required to conduct any post-mortem examination ordered by a coroner or other constituted authority, and may make regulations with respect to the management of such building. [See *s. 133 (c), and the Coroners Act 1887, s. 24.*]

Power of
sanitary
authority to
provide
places for
post-mortem
examina-
tions.

(2.) Any such building may be provided in connexion with a mortuary, but this enactment shall not authorise the conducting of any post-mortem examination in a mortuary.

91. Any sanitary authorities may, with the approval of the County Council, execute their duty under this Act with respect to mortuaries and buildings for post-mortem examinations by combining for the purpose thereof, or by contracting for the use by one of the contracting authorities of any such mortuary or building provided by another of such contracting authorities, and may so combine or contract upon such terms as may be agreed upon.

Power to
sanitary
authorities
to unite for
providing
mortuary.

92. The County Council shall provide and maintain proper accommodation for the holding of inquests, and may by agreement with a sanitary authority provide and maintain the same in connexion with a mortuary or a building for post-mortem examinations provided by that authority, or with any building belonging to that authority, and may do so on such terms as may be agreed on with the authority. [*Amended 60 & 61 Vict. c. cclii. s. 50.*]

Place for
holding
inquests.

93.—(1.) The County Council may provide and fit up in London one or two suitable buildings to which dead bodies found in London and not identified, together with any clothing, articles, and other things found with or on such dead bodies, may on the order of a coroner be removed, and in which they may be retained and preserved with a view to the ultimate identification of such dead bodies.

Mortuary
for un-
identified
bodies.

(2.) A Secretary of State may make regulations as to—

(a) the manner in which and conditions subject to which any such bodies shall be removed to any such building, and the payments to be made at such building to persons bringing any unidentified dead body for reception; and

(b) the fees and charges to be paid upon the removal or interment of any such dead body which has been identified after its reception, and the persons by whom such fees and payments are to be made, and the manner and method of recovering the same; and

(c) the disposal and interment of any such bodies.

(3.) The County Council may provide at the said buildings all

*Mortuaries,
etc.*

such appliances as they think expedient for the reception and preservation of bodies, and may make regulations (subject to the provisions aforesaid) as to the management of the said buildings and the bodies therein, and as to the conduct of persons employed therein or resorting thereto for the purpose of identifying any body.

(4.) Subject to and in accordance with such regulations as may be made by a Secretary of State, any such body found in London may (on the order in writing of a coroner holding or having jurisdiction to hold the inquest on the same) be removed to any building provided under this section, and subject as aforesaid the inquest on any such body shall be held by the same coroner and in the same manner as if the said building were within the district of such coroner.

*Byelaws as
to Houses
let in
Lodgings.*

Byelaws as to Houses let in Lodgings.

94.—(1.) Every sanitary authority shall make and enforce such byelaws as are requisite for the following matters; (that is to say,)

Power of
sanitary
authority
to make
byelaws as
to lodging-
houses.

(a.) for fixing the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family, and for the separation of the sexes in a house so let or occupied:

(b.) for the registration of houses so let or occupied:

(c.) for the inspection of such houses:

(d.) for enforcing drainage for such houses, and for promoting cleanliness and ventilation in such houses:

(e.) for the cleansing and lime-washing at stated times of the premises: [*See also 4 Edw. 7, c. ccxlv. ss. 20, 21, 24, and 25.*]

(f.) for the taking of precautions in case of any infectious disease. [*See 4 Edw. 7, c. ccxlv. s. 19.*]

14 & 15 Vict.
c. 28.
16 & 17 Vict.
c. 41.

(2.) This section shall not apply to common lodging-houses within the Common Lodging Houses Act, 1851, or any Act amending the same. [*See s. 114, and 2 Edw. 7, c. clxxiii. pt. ix.*]

*Tents and
Vans.*

Tents and Vans.

Tents and
vans used
for human
habitation.

95.—(1.) A tent, van, shed, or similar structure used for human habitation, which is in such a state as to be a nuisance or injurious or dangerous to health, or is so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family, shall be a nuisance liable to be dealt with summarily under this Act. [*See ss 3—15.*]

(2.) A sanitary authority may make byelaws for promoting cleanliness in, and the habitable condition of tents, vans, sheds, and similar structures used for human habitation, and for preventing the spread of infectious disease by the persons inhabiting the same, and generally for the prevention of nuisances in connexion with the same. [*See s. 114.*]

(3.) Where any person duly authorised by a sanitary authority or by a Justice has reasonable cause to suppose either—

(a.) that any tent, van, shed, or similar structure used for human habitation is in such a state or so overcrowded as aforesaid, or that there is any contravention therein of any byelaw made under this section; or

(b.) that there is in any such tent, van, shed, or structure any person suffering from a dangerous infectious disease,

he may enter by day such tent, van, shed, or structure, and examine the same and every part thereof in order to ascertain whether such tent, van, shed, or structure is in such a state or so overcrowded as aforesaid, or whether there is therein any such contravention, or a person suffering from a dangerous infectious disease, and the provisions of this Act with respect to the entry into any premises by an officer of the sanitary authority shall apply to the entry by any person duly authorised as aforesaid. [See s. 115.]

(4.) Nothing in this section shall apply to any tent, van, shed, or structure erected or used by any portion of Her Majesty's naval or military forces.

*Tents and
Vans.*

Underground Rooms.

*Under-
ground
Rooms.*

96.—(1.) Any underground room, which was not let or occupied separately as a dwelling before the passing of this Act, shall not be so let or occupied unless it possesses the following requisites; that is to say,

Provisions
as to the
occupation
of under-
ground
rooms as
dwellings.

- (a) unless the room is in every part thereof at least seven feet high measured from the floor to the ceiling, and has at least three feet of its height above the surface of the street or ground adjoining or nearest to the room: Provided that, if the width of the area herein-after mentioned is not less than the height of the room from the floor to the said surface of the street or ground, the height of the room above such surface may be less than three feet, but it shall not in any case be less than one foot, and the width of the area need not in any case be more than six feet;
- (b) unless every wall of the room is constructed with a proper damp course, and, if in contact with the soil, is effectually secured against dampness from that soil;
- (c) unless there is outside of and adjoining the room and extending along the entire frontage thereof and upwards from six inches below the level of the floor thereof an open area properly paved at least four feet wide in every part thereof: Provided that in the area there may be placed steps necessary for access to the room, and over and across such area there may be steps necessary for access to any building above the underground room, if the steps in each case be so placed as not to be over or across any external window;
- (d) unless the said area and the soil immediately below the room are effectually drained;
- (e) unless, if the room has a hollow floor, the space beneath it is sufficiently ventilated to the outer air;
- (f) unless any drain passing under the room is properly constructed of a gas-tight pipe;
- (g) unless the room is effectually secured against the rising of any effluvia or exhalation;
- (h) unless there is appurtenant to the room the use of a water-closet and a proper and sufficient ash-pit;
- (i) unless the room is effectually ventilated;
- (j) unless the room has a fire-place with a proper chimney or flue;
- (k) unless the room has one or more windows opening directly into the external air with a total area clear of the sash frames equal to at least one tenth of the floor area of the room, and so constructed that one half at least of each

Under-ground Rooms.

window of the room can be opened, and the opening in each case extends to the top of the window.

(2.) If any person lets or occupies, or continues to let, or knowingly suffers to be occupied, any underground room contrary to this enactment, he shall be liable to a fine not exceeding twenty shillings for every day during which the room continues to be so let or occupied.

(3.) The foregoing provisions shall at the expiration of six months after the commencement of this Act extend to underground rooms let or occupied separately as dwellings before the passing of this Act, except that the sanitary authority, either by general regulations providing for classes of underground rooms, or on the application of the owner of such room in any particular case, may dispense with or modify any of the said requisites which involve the structural alteration of the building, if they are of opinion that they can properly do so having due regard to the fitness of the room for human habitation, to the house accommodation in the district, and to the sanitary condition of the inhabitants and to other circumstances, but any requisite which was required before the passing of this Act shall not be so dispensed with or modified. [*See note on 18 & 19 Vict. c. 120, ss. 103—104.*]

(4.) The dispensations and modifications may be allowed either absolutely or for a limited time, and may be revoked and varied by the sanitary authority, and shall be recorded together with the reasons in the minutes of the sanitary authority.

(5.) If the owner of any room feels aggrieved by a dispensation or modification not being allowed as regards that room, he may appeal to the Local Government Board, and that Board may refuse the dispensation or modification, or allow it wholly or partly, as if they were the sanitary authority. Such allowance may be revoked or varied by the Board, but not by the sanitary authority.

(6.) Where two or more underground rooms are occupied together, and are not occupied in conjunction with any other room or rooms on any other floor of the same house, each of them shall be deemed to be separately occupied as a dwelling within the meaning of this section.

(7.) Every underground room in which a person passes the night shall be deemed to be occupied as a dwelling within the meaning of this section; and evidence giving rise to a probable presumption that some person passes the night in an underground room shall be evidence, until the contrary is proved, that such has been the case.

(8.) Where it is shown that any person uses an underground room as a sleeping-place, it shall, in any proceeding under this section, lie on the defendant to show that the room is not separately occupied as a dwelling.

(9.) For the purpose of this section the expression "underground room" includes any room of a house the surface of the floor of which room is more than three feet below the surface of the footway of the adjoining street, or of the ground adjoining or nearest to the room. [*See also 57 & 58 Vict. c. cexiii. ss. 40, 41, and 70 (1) (a) and (d), and the Factory and Workshop Act 1901, s. 101.**]

* Section 101 of the Factory and Workshop Act 1901 is as follows:—

101.—(1) An underground bakehouse shall not be used as a bakehouse unless it was so used at the passing of this Act.

(2) Subject to the foregoing provision, after the first day of January one thousand nine hundred and four an underground bakehouse shall not be used unless certified by the district council to be suitable for that purpose.

(3) For the purpose of this section an underground bakehouse shall mean a bakehouse

97.—(1.) Any officer of a sanitary authority appointed or determined by that authority for the purpose shall, without any fee or reward, report to the sanitary authority, at such times and in such manner as the sanitary authority may order, all cases in which underground rooms are occupied contrary to this Act in the district of such authority.

Under-ground Rooms.

Enforcement of provisions as to underground rooms.

(2.) Any such officer or any other person having reasonable grounds for believing that any underground room is occupied in contravention of this Act may enter and inspect the same at any hour by day; and if admission is refused to any person other than an officer of the sanitary authority the like warrant may be granted by a Justice under this Act as in case of refusal to admit any such officer. [See s. 115.]

(3.) A warrant of a Justice authorising an entry into an underground room may authorise the entry between any hours specified in the warrant.

98. Where two convictions for an offence relating to the occupation of an underground room as a dwelling have taken place within a period of three months (whether the persons convicted were or were not the same), a petty sessional court may direct the closing of the underground room for such period as the court may deem necessary, or may empower the sanitary authority of the district permanently to close the same, in such manner as they think fit, at their own cost.

Provision in case of two convictions for unlawfully occupying underground room.

Authorities for Execution of Act.

99.—(1.) Subject to the provisions of this Act, the sanitary authority for the execution of this Act (in this Act referred to as “the sanitary authority”) shall be as follows; (namely,)

Authorities for execution of Act.

(a) in the City of London the Commissioners of Sewers;* and

Definition of sanitary authority.

(b) in each of the parishes mentioned in Schedule (A.) to the Metropolis Management Act, 1855, as amended by the Metropolis Management Amendment Act, 1885, and the

18 & 19 Vict. c. 120.
48 & 49 Vict. c. 33.

any baking room of which is so situate that the surface of the floor is more than three feet below the surface of the footway of the adjoining street or of the ground adjoining or nearest to the room. The expression “baking room” means any room used for baking or for any process incidental thereto.

(4) An underground bakehouse shall not be certified as suitable unless the district council is satisfied that it is suitable as regards construction, light, ventilation and in all other respects.

(5) This section shall have effect as if it were included among the provisions relating to bakehouses which are referred to in section twenty-six of the Public Health (London) Act, 1891.

(6) If any place is used in contravention of this section it shall be deemed to be a workshop not kept in conformity with this Act.

(7) In the event of the refusal of a certificate by the district council, the occupier of the bakehouse may, within twenty-one days from the refusal, by complaint apply to a court of summary jurisdiction and, if it appears to the satisfaction of the court that the bakehouse is suitable for use as regards construction, light, ventilation and in all other respects, the court shall thereupon grant a certificate of suitability of the bakehouse, which shall have effect as if granted by the district council.

(8) Where any place has been let as a bakehouse, and the certificate required by this section cannot be obtained unless structural alterations are made, and the occupier alleges that the whole or part of the expenses of the alterations ought to be borne by the owner, he may by complaint apply to a court of summary jurisdiction, and that court may make such order concerning the expenses or their apportionment as appears to the court to be just and equitable, under the circumstances of the case, regard being had to the terms of any contract between the parties; or in the alternative the court may, at the request of the occupier, determine the lease.

[“District Council” is declared by s. 152 (4) to be as regards the City of London the Court of Common Council, and as regards the rest of the County of London the Councils of the Metropolitan Boroughs.]

* Now the Mayor, Commonalty, and Citizens of the City of London. See the City of London Sewers Act 1897.

*Authorities
for execu-
tion of Act.*50 & 51 Vict.
c. 17.

Metropolis Management (Battersea and Westminster) Act, 1887, other than Woolwich, the vestry of the parish *; and

(c) in each of the districts mentioned in Schedule (B.) to the same Act, as so amended, the district board for the district *; and

(d) in the parish of Woolwich, the local board of health *; and

(e) in any place mentioned in Schedule (C.) to the Metropolis Management Act, 1855, the board of guardians for such place or for any parish or poor law union of which it forms part, or, if there is no such board of guardians, the overseers of the poor for such place, or for the parish in which it is situate, and the said guardians and overseers respectively shall have the same powers for the purposes of this Act as a vestry or district board have under this Act, and their expenses shall be defrayed in the same manner as the expenses of the execution of the Acts relating to the relief of the poor are defrayed in the said place. [See notes on 18 & 19 Vict. c. 120, *Sch. C.*]

(2.) The area within which this Act is executed by any sanitary authority is in this Act referred to as the district of that authority.

(3.) The purposes for which a committee of a vestry * or district board * may be appointed under the Metropolis Management Act, 1855, and the Acts amending the same, shall include the purposes of this Act, and the provisions of those Acts with respect to committees shall apply accordingly. [See 18 & 19 Vict. c. 120, ss. 58 and 59; and 62 & 63 Vict. c. 14, ss. 8 and 31 (2).]

(4.) Where a sanitary authority appoint a committee for the purposes of this Act, that committee, subject to the terms of their appointment, may serve and receive notices, take proceedings, and empower any officer of the authority to make complaints and take proceedings in their behalf, and otherwise to execute this Act.

(5.) A sanitary authority may acquire and hold land for the purposes of their duties without any licence in mortmain.

Power of
County
Council to
prosecute on
default of
sanitary
authority.

100. The County Council, on it being proved to their satisfaction that any sanitary authority have made default in doing their duty under this Act with respect to the removal of any nuisance, the institution of any proceedings, or the enforcement of any byelaw, may institute any proceeding and do any act which the authority might have instituted or done for that purpose, and shall be entitled to recover from the sanitary authority in default all such expenses in and about the said proceeding or act as the County Council incur, and are not recovered from any other person, and have not been incurred in any unsuccessful proceeding. [See s. 133 (*d.*).]

Proceedings
on complaint
to Local
Government
Board of
default of
sanitary
authority.

101.—(1.) Where complaint is made by the County Council to the Local Government Board that a sanitary authority have made default in executing or enforcing any provisions which it is their duty to execute or enforce of this Act, or of any byelaw made in pursuance thereof, the Local Government Board, if satisfied after due inquiry that the authority have been guilty of the alleged default, and that the complaint cannot be remedied under the other provisions of this Act, shall make an order limiting a time for the performance of the duty of such authority in the matter of such

* Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

complaint. If such duty is not performed by the time limited in the order, the order may be enforced by writ of Mandamus, or the Local Government Board may appoint the County Council to perform such duty. [*See also 57 & 58 Vict. c. 53, s. 1 (8).*]

*Authorities
for execution
of Act.*

(2.) Where such appointment is made, the County Council shall, for the purpose of the execution of their duties under the said appointment, have all the powers of the defaulting sanitary authority, and all expenses incurred by the County Council in the execution of the said duties, together with the costs of the previous proceedings, so far as not recovered from any other person, shall be a debt from the sanitary authority in default to the County Council, and shall be paid by the sanitary authority out of any moneys or rate applicable to the payment of the expenses of performing the duty in which they have made default.

(3.) For the purpose of recovering such debt the County Council, without prejudice to any other power of recovery, shall have the same power of levying the amount by a rate, and of requiring officers of the defaulting authority to pay over money in their hands, as the defaulting authority would have in the case of expenses legally payable out of a rate raised by that authority. [*See ss. 103, 117, and 18 & 19 Vict. c. 120, s. 65.*]

(4.) The County Council shall pay any surplus of the rate so levied to or to the order of the defaulting authority.

(5.) If any loan is required to be raised for the purpose of the execution of their duties under the said appointment, the County Council with the consent of the Local Government Board may raise the same, and may for that purpose borrow the required sum in the name of the defaulting authority for the same period, on the same security, and on the same terms as that authority might have borrowed, and the principal and interest of such loan shall be a debt due from the defaulting authority, and shall be secured and may be recovered in like manner as if the loan had been borrowed by that authority. [*See s. 105.*]

(6.) The surplus (if any) of any loan not applied for the purpose for which it is raised shall, after payment of the expenses of raising the same, be paid to or to the order of the defaulting authority, and be applied as if it were the surplus of a loan raised by that authority.

102. [*Application of Public Health Acts to Woolwich. Rep. 62 & 63 Vict. c. 14, s. 35.*]

103. The expenses incurred by sanitary authorities in London under this Act shall, save as otherwise in this Act mentioned, be defrayed as follows ; (namely,) *Expenses of execution of Act.*

In the case of the Commissioners of Sewers,* out of their sewer rate and consolidated rate, or either of such rates :

In the case of any vestry † or district board, † out of their general rate :

In the case of the local board of health of Woolwich, † out of the district fund or general district rate. ‡

104.—(1.) All expenses incurred by the Metropolitan Asylum Managers § in the execution of the provisions of this Act relating to the provision and maintenance of carriages, buildings, and horses, *Expenses of Metropolitan Asylum Board.*

* Now the Mayor, Commonalty, and Citizens of the City of London. See the City of London Sewers Act 1897.

† Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

‡ Now the general rate. See 62 & 63 Vict. c. 14, s. 10.

§ See 30 & 31 Vict. c. 6, s. 6.

*Authorities
for execu-
tion of Act.*

and the conveyance in such carriages of persons suffering from any dangerous infectious disease shall to such extent as the Local Government Board may sanction be defrayed out of the metropolitan common poor fund.*

30 & 31 Vict.
c. 6.

(2.) Save as aforesaid, all expenses incurred by the said Managers in the execution of this Act shall so far as they are not recovered from guardians in pursuance of this Act be defrayed in the same manner as the expenses mentioned in section thirty-one of the Metropolitan Poor Act, 1867, are to be defrayed under that section; and shall be raised and be recoverable in the same manner as expenses under that Act. [See s. 80.]

(3.) The provision of vessels and buildings in pursuance of this Act shall be purposes for which the Metropolitan Asylum Managers † may borrow in pursuance of the Metropolitan Poor Act, 1867, and any Acts amending the same. [See s. 79.]

Power of
vestries and
district
boards to
borrow.

105.—(1.) The provision of hospitals and of mortuaries under this Act, and the purposes of the epidemic regulations under this Act, shall be purposes for which vestries ‡ and district boards ‡ are authorised to borrow. [See ss. 75 and 82—87.]

(2.) A sanitary authority, with the consent of the Local Government Board, may borrow for the purpose of providing, as required or authorised by this Act—

- (a) sanitary conveniences, lavatories, and ash-pits, and
- (b) premises, apparatus, carriages, and vessels for the disinfection, destruction, and removal of infected articles, and
- (c) a building for post-mortem examinations and accommodation for the holding of inquests. [See ss. 44, 45, 59, 90, and 92.]

[See also 56 & 57 Vict. c. 47 and 59 & 60 Vict. c. clxxxviii. s. 32.]

(3.) The purposes for which a sanitary authority are authorised under this Act to borrow shall be purposes for which that authority may borrow under the Acts relating to the execution of the other duties of that authority, and, where the consent of the Local Government Board is required and given to any such loan, the consent of any other authority shall not be required. [See 18 & 19 Vict. c. 120, ss. 183 and 185—191; and the *Commissioners of Sewers of the City of London Act 1875*.]

Appointment
of medical
officers of
health.

106.—(1.) Every sanitary authority shall appoint one or more medical officers of health for their district.

(2.) The same person may, with the sanction of the Local Government Board, be appointed medical officer of health for two or more districts, by the sanitary authorities of such districts; and the Local Government Board shall prescribe the mode of such appointment, and the proportions in which the expenses of such appointment and the salary and charges of such officer shall be borne by such authorities.

(3.) Every person appointed or re-appointed after the commencement of this Act as medical officer of health of a district shall (except during the two months next after the time of his appointment, or except in cases allowed by the Local Government Board) reside in such district or within one mile of the boundary thereof, and, if while not so residing as required by this enactment he assumes to act or receives any remuneration as such medical officer of health, he shall cease to hold the office.

* See 30 & 31 Vict. c. 6, ss. 61—72, and notes thereon.

† See 30 & 31 Vict. c. 6, s. 6.

‡ Now the Council of a Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

(4.) A medical officer of health may exercise any of the powers with which a sanitary inspector is invested.

*Authorities
for execu-
tion of Act.*

(5.) The annual report of a medical officer of health to the sanitary authority shall be appended to the annual report of the sanitary authority. [See 18 & 19 Vict. c. 120, s. 198.]

[See also the *Sanitary Officers (London) Order 1891.*]

107.—(1.) Every sanitary authority shall appoint an adequate number of fit and proper persons as sanitary inspectors, and may distribute among them the duties to be performed by sanitary inspectors, and every such inspector shall be a person qualified and competent by his knowledge and experience to perform the duties of his office.

*Appointment
of sanitary
inspectors.*

(2.) Where the Local Government Board, on a representation from the County Council, and after local inquiry, are satisfied that any sanitary authority have failed to appoint a sufficient number of sanitary inspectors, the Board may order the authority to appoint such number of additional sanitary inspectors and to allow them such remuneration as the order directs, and the sanitary authority shall comply with the order. [See s. 129.]

(3.) The sanitary inspectors shall report to the sanitary authority the existence of any nuisances; and the sanitary authority shall cause a book to be kept in which shall be entered all complaints made of any infringement of the provisions of this Act or of any byelaws made thereunder, or of nuisances; and every such inspector shall forthwith inquire into the truth or otherwise of such complaints, and report upon the same, and such report shall be laid before the sanitary authority at their next meeting, and together with the order of the sanitary authority thereon shall be entered in a book, which shall be kept at their office, and shall be open at all reasonable times to the inspection of any inhabitant of the district, and of any officer either generally or specially authorised for the purpose by the County Council; and it shall be the duty of such inspector, subject to the direction of the sanitary authority, or of a committee thereof, to make complaints before Justices and take legal proceedings for the punishment of any person for any offence under this Act or any such byelaws.

[See also the *Sanitary Officers (London) Order 1891.*]

108.—(1.) Subject to the provisions of this Act as to existing officers, the Local Government Board shall have the same powers as they have in the case of a district medical officer of a poor law union with regard to the qualification, appointment, duties, salary, and tenure of office of every medical officer of health and sanitary inspector, and one-half of the salary of every such medical officer and sanitary inspector shall be paid by the County Council out of the Exchequer Contribution Account in accordance with section twenty-four of the Local Government Act, 1888, and that section shall be construed as if in subsection two thereof the reference to the Public Health Act, 1875, included a reference to this Act. [See the *Poor Law Amendment Act 1834*, s. 46.]

*Provisions
as to medical
officers and
sanitary
inspectors.*

(2.) Provided that—

(a.) A medical officer of health shall be legally qualified for the practice of medicine,* surgery, and midwifery, and also either be registered in the Medical Register as the holder of a diploma in sanitary science, public health, or State

* See the Medical Acts 1858, s. 34, and 1886, s. 11.

*Authorities
for execu-
tion of Act.*
49 & 50 Vict.
c. 48.

medicine under section twenty-one of the Medical Act, 1886,* or have been during three consecutive years preceding the year one thousand eight hundred and ninety-two a medical officer of a district or combination of districts in London or elsewhere with a population according to the last published census of not less than twenty thousand, or have before the passing of the Local Government Act, 1888, been for not less than three years a medical officer or inspector of the Local Government Board ; and

- (b.) A medical officer of health shall be removable by the sanitary authority with the consent of the Local Government Board, or by that Board, and not otherwise :
Provided that the Local Government Board shall take into consideration every representation made by the sanitary authority for the removal of any medical officer, whether based on the general interests of the district, on the conduct of such officer, or on any other ground ; and
- (c.) Any such medical officer shall not be appointed for a limited period only ; and
- (d.) A sanitary inspector appointed after the first day of January one thousand eight hundred and ninety-five shall be holder of a certificate of such body as the Local Government Board may from time to time approve, that he has by examination shown himself competent for such office, or shall have been, during three consecutive years preceding the year one thousand eight hundred and ninety-five, a sanitary inspector or inspector of nuisances of a district in London, or of an urban sanitary district out of London containing according to the last published census a population of not less than twenty thousand inhabitants..

Temporary
arrangement
for duties
of medical
officer or
sanitary
inspector.

109. A sanitary authority, where occasion requires, may, with the sanction of the Local Government Board, make any temporary arrangement for the performance of all or any of the duties of a medical officer of health or sanitary inspector, and any person appointed by virtue of any such arrangement to perform those duties, or any of them, shall, subject to the terms of his appointment, have all the powers, duties, and liabilities of a medical officer of health or sanitary inspector as the case may be.

Jurisdiction
as to ships.

110.—(1.) For the purposes of this Act any vessel lying in any river or other water within the district of a sanitary authority shall (subject to the provisions of this Act with respect to the port sanitary authority of the port of London) be subject to the jurisdiction of that authority in the same manner as if it were a house within such district.

(2.) The master of any such vessel shall be deemed for the purposes of this Act to be the occupier of such vessel.

* S. 21 of the Medical Act 1886 enacts that "every registered medical practitioner to whom a diploma for proficiency in sanitary science, public health, or State medicine, has after special examination been granted by any college or faculty of physicians or surgeons or university in the United Kingdom, or by any such bodies acting in combination, shall if such diploma appears to the Privy Council or to the General Council to deserve recognition in the Medical Register, be entitled, on payment of such fee as the General Council may appoint, to have such diploma entered in the said register, in addition to any other diploma or diplomas in respect of which he is registered."

(3.) This section shall not apply to any vessel under the command or charge of any officer bearing Her Majesty's commission, or to any vessel belonging to any foreign government.

Port Sanitary Authority of Port of London.

Port Sanitary Authority of Port of London.

111. The Mayor, Commonalty, and Citizens of the City of London shall continue to be the port sanitary authority of the port of London, as established for the purposes of the laws relating to the customs of the United Kingdom, and shall pay out of their corporate funds all their expenses as such port sanitary authority. [See the *Public Health Act 1875*, s. 291, and the *Customs Consolidation Act 1876*, s. 11.]

Port sanitary authority of port of London.

112.—(1.) The Local Government Board may by order assign to the port sanitary authority of the port of London any powers, rights, duties, capacities, liabilities, or obligations of a sanitary authority under this Act, or of a sanitary authority under the *Public Health Act, 1875*, and any Act extending or amending the same respectively, with such modifications and additions (if any) as may appear to the Board to be required, and the order may extend to the said port a byelaw made under this Act otherwise than by the port sanitary authority, and any such byelaw until so extended shall not extend to the said port; and the said port sanitary authority shall have the powers, rights, duties, capacities, liabilities, and obligations assigned by such order in and over all waters within the limits of the said port, and also in and over such districts or parts of districts of riparian authorities as may be specified in any such order, and the order may extend this Act, and any part thereof, and any byelaw made thereunder, to such waters and districts and parts of districts when not situate in London.

Powers of port sanitary authority of port of London.
38 & 39 Vict. c. 55.

(2.) The said port sanitary authority may acquire and hold land for the purposes of their constitution without any licence in mortmain.

(3.) The said port sanitary authority may, with the sanction of the Local Government Board, delegate to any riparian authority the exercise of any powers conferred on the port sanitary authority by the order of the Board, but except in so far as such delegation extends no other authority shall exercise any powers conferred on such port sanitary authority by the order of the Board within the limits of the port of London.

(4.) "Riparian authority" in this section means any sanitary authority under this Act and any sanitary authority under the *Public Health Act, 1875*, whose district or part of whose district forms part of or abuts on any part of the said port, and any conservators, commissioners, or other persons having authority in or over any part of the said port.

[See also s. 23 (7).]

Application of Public Health Acts as to Cholera, etc.

Application of Public Health Acts as to Cholera, etc.

113. The sections of the *Public Health Acts* (relating to regulations and orders of the Local Government Board with respect to cholera, or other epidemic, endemic, or infectious diseases) set out in the First Schedule to this Act, shall extend to London, and shall apply in like manner as if a sanitary authority under this Act were a local authority within the meaning of those sections. [See also 56 & 57 Vict. c. cxxi. s. 13.]

Powers of Local Government Board as to epidemic diseases.

*Byelaws.**Byelaws.*

Byelaws.

38 & 39 Vict.
c. 55.

114. All byelaws made by the County Council or by any sanitary authority under this Act shall be made subject and according to the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, and set forth in the First Schedule to this Act; and those sections shall apply in like manner as if the County Council or sanitary authority were a local authority:

Provided that the County Council, in making any byelaws which will have to be observed and enforced by any sanitary authority, shall consider any representations made to the Council by that authority, and not less than two months before applying to the Local Government Board for the confirmation of any such byelaws shall send a copy of the proposed byelaws to every such authority.

*Legal Proceedings.*General
provisions as
to powers of
entry.*Legal Proceedings.*

115.—(1.) Where a sanitary authority have by virtue of this Act power to examine or enter any premises, whether a building, vessel, tent, van, shed, structure, or place open or enclosed, they may examine or enter by any members of the authority, or by any officers or persons authorised by them, either generally or in any particular case.

(2.) Where a sanitary authority, or their officers, or any persons acting under such authority, or under any of their officers, have by virtue of any enactment in this Act, a right to enter any premises, whether a building, vessel, tent, van, shed, structure, or place open or enclosed, then, subject to any special provisions contained in such enactment, the following provisions shall apply, that is to say—

(a.) The person so claiming the right to enter shall, if required, produce some written document, properly authenticated on the part of the sanitary authority, showing the right of the person producing the same to enter; [*See s. 127.*]

(b.) Any person refusing or failing to admit any person who is authorised and claims to enter the premises shall if—

(i.) the entry is for the purpose of carrying into effect an order of a court of summary jurisdiction, and either is stated in the said document to be for that purpose or is claimed by an officer of the sanitary authority, or

(ii.) it is proved that the refusal or failure is with intent to prevent the discovery of some contravention of this Act or any byelaw under this Act, or

(iii.) the refusal or failure is declared by the enactment conferring the right of entry to render the person refusing or failing subject to a fine,

be liable to a fine not exceeding five pounds.

(3.) If a Justice is satisfied by information on oath—

(a.) that there is reasonable ground for such entry, and that there has been a refusal or failure to admit to such premises, and either that reasonable notice of the intention to apply to a Justice for a warrant has been given, or that the giving of notice would defeat the object of the entry, or

(b.) that there is reasonable cause to believe that there is on the said premises some contravention of this Act or of any byelaw under this Act, and that an application for admission or notice of an application for the warrant would defeat the object of the entry,

the Justice may by warrant under his hand authorise the sanitary authority or their officers or other person, as the case may require, to enter the premises, and if need be by force, with such assistants as they or he may require, and there execute their duties under this Act.

Legal Proceedings.

(4.) Any person obstructing the execution of any such warrant, or of any warrant granted by a Justice in pursuance of any other provision of this Act, and authorising the entry by the sanitary authority or their officer or any other person into any premises, shall be liable to a fine not exceeding twenty pounds, or, in a case where a greater punishment is imposed by this Act or any other enactment, either to such fine or to that greater punishment.

(5.) The warrant shall continue in force until the purpose for which the entry is necessary has been satisfied.

(6.) Where a house or part of a house is alleged to be overcrowded so as to be a nuisance liable to be dealt with summarily under this Act, a warrant under this section may authorise an entry into such house or part of a house at any hour of the day or night specified in the warrant. [*See ss. 2, 4, and 7.*]

116.—(1.) If any person—

(a) wilfully obstructs any member or officer of a sanitary authority or any person duly employed in the execution of this Act, or,

(b) destroys, pulls down, injures, or defaces any byelaw, notice, or other matter put up by authority of the Local Government Board or County Council, or of a sanitary authority, or any board or other thing upon which such byelaw, notice, or matter is placed or inscribed, or

(c) wilfully damages any works or property belonging to any sanitary authority,

Penalty on obstructing execution of Act.

he shall be liable to a fine not exceeding five pounds.

(2.) Where the occupier of any premises prevents the owner thereof from obeying or carrying into effect any provision of this Act, a petty sessional court, on complaint, shall by order require such occupier to permit the execution of any works which appear to the court necessary for the purpose of obeying or carrying into effect such provision of this Act; and if within twenty-four hours after service on him of the order such occupier fails to comply therewith, he shall be liable to a fine not exceeding five pounds for every day during the continuance of such non-compliance.

(3.) If the occupier of any premises, when requested by or on behalf of the sanitary authority to state the name and address of the owner of the premises, refuses or wilfully omits to disclose or wilfully misstates the same, he shall (unless he shows cause to the satisfaction of the court for his refusal) be liable to a fine not exceeding five pounds.

117.—(1.) All offences, fines, penalties, forfeitures, costs, and expenses under this Act or any byelaw made under this Act directed to be prosecuted or recovered in a summary manner, or the prosecution or recovery of which is not otherwise provided for, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts.

Summary proceedings for offences, expenses, etc.

(2.) Proceedings for the recovery of a demand not exceeding fifty pounds, which a sanitary authority or any person are or is empowered to recover in a summary manner, may, at the option of the authority

Legal Proceedings.

or person, be taken in the county court as if such demand were a debt.

(3.) A proceeding under this Act shall not be taken by the County Council against a sanitary authority save with the sanction of the Local Government Board, unless such proceeding is for the recovery of expenses or of money due from the sanitary authority to the Council.

Evidence by defendant.

118. Any person charged with an offence under this Act, and the wife or husband of such person, may, if such person thinks fit, be called, sworn, examined, and cross-examined as an ordinary witness in the case. [*See also the Criminal Evidence Act 1898.*]

Application of fines and disposal of things forfeited.

119.—(1.) All fines recovered under this Act shall, notwithstanding anything in any other Act, be paid to the sanitary authority and applied by them in aid of their expenses in the execution of this Act, except that any fine imposed on the sanitary authority shall be paid to the County Council.

(2.) All things forfeited under this Act may be sold or disposed of in such manner as the court ordering the forfeiture may direct.

Proceedings in certain cases against nuisances.

120.—(1.) Where any nuisance under this Act appears to be wholly or partially caused by the acts or defaults of two or more persons, the sanitary authority or other complainant may institute proceedings against any one of such persons, or may include all or any two or more of them in one proceeding; and any one or more of such persons may be ordered to abate the nuisance, so far as it appears to the court having cognizance of the case to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which in the opinion of the court contribute to the nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of such persons would not separately have caused a nuisance; and the costs may be distributed as to the court may appear fair and reasonable.

(2.) Proceedings against several persons included in one complaint shall not abate by reason of the death of any among the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included.

(3.) Where some only of the persons by whose act or default any nuisance has been caused have been proceeded against under this Act, they shall, without prejudice to any other remedy, be entitled to recover in a summary manner from the other persons who were not proceeded against a proportionate part of the costs of and incidental to such proceedings and abating such nuisance, and of any fine and costs ordered to be paid by the court in such proceedings.

(4.) Whenever in any proceeding under the provisions of this Act relating to nuisances it becomes necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the "owner" or "occupier" of such premises, without name or further description.

Recovery of expenses by sanitary authority from owner or occupier.

121. Any costs and expenses which are recoverable under this Act by a sanitary authority from an owner of premises may be recovered from the occupier for the time being of such premises; and the owner shall allow the occupier to deduct any money which he pays under this enactment out of the rent from time to time becoming due in respect of the premises, as if the same had been actually paid to the owner as part of the rent: Provided that—

(a.) the occupier shall not be so required to pay any further sum

than the amount of rent which either is for the time being due from him, or which after demand from him of such costs or expenses, and notice not to pay any rent without first deducting the same, becomes payable by him, unless he refuses, on the application of the sanitary authority, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded from any such occupier is greater than the aforesaid amount of rent shall lie on such occupier; and

Legal Proceedings.

- (6.) nothing in this section shall affect any contract between any owner and occupier of any premises whereby the occupier agrees to pay or discharge all rates, dues, and sums of money payable in respect of such premises, or shall affect any contract whatsoever between landlord and tenant.

122. A Judge or Justice of the Peace shall not be incapable of acting in cases arising under this Act by reason of his being a member of any sanitary authority, or by reason of his being, as one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to or to be benefited by any rate or fund, out of which any expenses incurred by a sanitary authority are to be defrayed.

Justice to act though member of sanitary authority or liable to contribute.

123. The County Council or a sanitary authority may appear before any court or in any legal proceeding by their clerk, or by any officer or member authorised generally or in respect of any special proceeding by resolution of such Council or authority; and their clerk, or any officer or member so authorised, shall be at liberty to institute and carry on any proceeding which the County Council or sanitary authority are authorised to institute and carry on under this Act.

Appearance of sanitary authority in legal proceedings.

124. No matter or thing done, and no contract entered into by the County Council or any sanitary authority, and no matter or thing done by any member of such Council or authority, or by any officer of such Council or authority or other person whomsoever acting under the direction of such Council or authority, shall, if the matter or thing were done or the contract were entered into *bonâ fide* for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever; and any expense incurred by the County Council or any such authority, member, officer, or other person acting as last aforesaid, shall be borne and repaid out of the rate applicable by that Council or authority to the purposes of this Act:

Protection of sanitary authority and their officers from personal liability.

Provided that nothing in this section shall exempt any member of the County Council or of any such authority from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such Council or authority, and which that member authorised or joined in authorising.

[See also the *Public Authorities Protection Act 1893* (see *Appendix*).]

Appeal.

Appeal.

125. Any person who deems himself aggrieved by any conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act may, save as otherwise provided in this Act, appeal therefrom to a court of quarter sessions.

Appeal to quarter sessions.

[See s. 6 (2), and the *Summary Jurisdiction Act 1879*, s. 31.]

Appeal.

Provision as
to appeals
to County
Council.
18 & 19 Vict.
c. 120.

126. Any appeal to the County Council against a notice or act of a sanitary authority under this Act shall be conducted in accordance with sections two hundred and eleven and two hundred and twelve of the Metropolis Management Act, 1855, which sections, as modified by the Local Government Act, 1888, are set out in the First Schedule to this Act. [*See ss. 37, 41, 43, and 133.*]

Notices.

Authentica-
tion of
notices, etc.

127.—(1.) Notices, orders, and other such documents under this Act shall be in writing; and notices and documents other than orders, when issued by the County Council or a sanitary authority, shall be sufficiently authenticated if signed by their clerk or by the officer by whom the same are given or served. [*See the Interpretation Act 1889, s. 20 (see Appendix).*]

(2.) Orders shall be under the seal of the Council or authority duly authenticated.

Service of
notices.

128.—(1.) Any notice, order, or other document required or authorised to be served under this Act may be served by delivering the same or a true copy thereof either to or at the usual or last known residence in England of the person to whom it is addressed, or, where addressed to the owner or occupier of premises, then to some person on the premises, or, if there is no person on the premises who can be so served, then by fixing the same or a true copy thereof on some conspicuous part of the premises; it may also be served by sending the same or a true copy thereof by post addressed to a person at such residence or premises as above mentioned.

(2.) Any notice required or authorised for the purposes of this Act to be served on a sanitary authority or on the County Council shall be deemed to be duly served if in writing delivered at, or sent by post to, the office of the authority or Council, addressed to such authority or Council, or their clerk.

(3.) Any notice by this Act required to be given to or served on the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given or served, without further name or description.

Miscellaneous Provisions.

Inquiries by
Local
Government
Board.
38 & 39 Vict.
c. 55.

129. Sections two hundred and ninety-three to two hundred and ninety-six of the Public Health Act, 1875, which are set forth in the First Schedule to this Act, shall apply to all inquiries which the Local Government Board may make in pursuance of or for the purposes of this Act.

Forms.
42 & 43 Vict.
c. 49.

130. The forms in the Third Schedule to this Act, or forms to the like effect, varied as circumstances may require, may, unless other forms are prescribed under the Summary Jurisdiction Act, 1879, be used and shall be sufficient for all purposes.

131. [*Provision for apportionment of certain expenses in pursuance of the epidemic regulations between hamlet of Penge* and remainder of Lewisham district. Spent.*]

Extent of
Act.

132. This Act shall (save as otherwise expressly provided) extend only to London:

* By the Penge Scheme 1900, made under 62 & 63 Vict. c. 14, Penge ceased to be a portion of London.

*Notices.**Miscellaneous Provisions.*

Provided that this Act shall extend to places elsewhere so far as is necessary for giving effect to any provisions thereof in their application to London and to any places to which such provisions are expressly applied. [*See ss. 14, 23, 71, 79, 81, 111 and 112.*]

City of London.

*City of
London*

133. In the application of this Act to the City of London the following modifications shall be made : Application
of Act to
City.

- (a.) There shall be no appeal under this Act from the Commissioners of Sewers* to the County Council :
- (b.) The byelaws made by the County Council under this Act shall not extend to the City :
- (c.) The County Council shall not have power under this Act to require the Commissioners of Sewers* to provide and maintain a building for post-mortem examinations :
- (d.) The powers of the County Council under this Act to proceed in case of default of a sanitary authority shall not extend to the Commissioners of Sewers.*

134. Where it is proved to the satisfaction of the Local Government Board that the Commissioners of Sewers* have made default in doing their duty in relation to nuisances under this Act, the Board may authorise any officer of police of the city of London to institute any proceeding which the Commissioners might institute with regard to such nuisances, and that officer may recover from the Commissioners in a summary manner or in the county court or High Court any expenses incurred by him, and not paid by the person proceeded against. Such officer of police shall not for the purpose of this section be at liberty to enter any house or part of a house used as the dwelling of any person without either such person's consent, or the warrant of a Justice. Power of
city police to
proceed in
certain cases
against
nuisances.

135.—(1.) Where complaint is made to the Local Government Board that the Commissioners of Sewers* have made default in executing or enforcing any provisions of this Act, the Local Government Board, if satisfied, after due inquiry, that those Commissioners have been guilty of the alleged default, shall make an order limiting a time for the performance of their duty in the matter of such complaint. If the duty is not performed by the time limited in the order, the order may be enforced by writ of Mandamus, or the Local Government Board may appoint some person to perform the duty, and shall by order direct that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending the performance, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the Commissioners of Sewers,* and any order made for the payment of such expenses and costs may be removed into the High Court, and enforced as an order of that Court. Proceedings
on complaint
to Local
Government
Board of
default of
Commissioners of
Sewers.

(2.) Any person so appointed shall, in the performance and for the purposes of the said duty, be invested with all the powers of the Commissioners of Sewers* other than (save as herein-after provided) the powers of levying rates : and the Local Government Board may by order change any person so appointed.

(3.) Any sum specified in an order of the Local Government Board for payment of the expenses of performing the duty of the

* Now the Mayor, Commonalty, and Citizens of the City of London. See the City of London Sewers Act 1897.

*City of
London.*

Commissioners of Sewers,* together with the costs of the proceedings, shall be deemed to be expenses properly incurred by those Commissioners, and to be a debt due from them, and payable out of any moneys in their hands or the hands of their officers, or out of any rate applicable to the payment of any expenses properly incurred by the Commissioners (which rate is in this section referred to as "the local rate"). If the Commissioners refuse to pay any such debt for a period of fourteen days after demand, the Local Government Board may by order empower any person to levy, by and out of the local rate, such sum (to be specified in the order) as may, in the opinion of the Local Government Board, be sufficient to defray the debt, and all expenses incurred in consequence of the nonpayment thereof.

(4.) Any person so empowered shall have the same powers of levying the local rate, and requiring all officers of the Commissioners of Sewers* to pay over any money in their hands, as the Commissioners would have in the case of expenses legally payable out of a local rate to be raised by them; and the said person, after repaying all sums of money so due in respect of the order, shall pay the surplus, if any (the amount to be ascertained by the Local Government Board), to or to the order of the Commissioners of Sewers.*

(5.) The Local Government Board may certify the amount of expenses incurred, or an estimate of the expenses about to be incurred, by any person appointed by the Board under this section to perform the duty of the Commissioners; also, the amount of any loan required to defray any expenses so incurred, or estimated as about to be incurred; and the certificate of the Board shall be conclusive as to all matters to which it relates.

(6.) Whenever the Local Government Board so certifies a loan to be required, that Board, or the person so appointed, may, by any instrument duly executed, charge the local rate with the repayment of the principal and interest due in respect of the loan, and every such charge shall have the same effect as if the Commissioners of Sewers* were empowered to raise the loan on the security of the local rate, and had duly executed an instrument charging the same on that rate.

(7.) Any principal money or interest for the time being due in respect of a loan under this section shall be a debt due from the Commissioners of Sewers,* and, in addition to any other remedies, may be recovered in the manner in which a debt due from those Commissioners may be recovered in pursuance of this section.

(8.) The surplus (if any) of any such loan, after payment of the expenses aforesaid, shall, on the amount thereof being certified by the Local Government Board, be paid to or to the order of the Commissioners of Sewers.*

(9.) "Expenses," for the purposes of this section, shall include all sums payable under this section by or by the order of the Local Government Board, or the person appointed by that Board.

*Saving
Clauses.*

Saving for
water rights.

Saving Clauses.

136. Nothing in this Act shall be construed to authorise any sanitary authority to injuriously affect the navigation of any river

* Now the Mayor, Commonalty, and Citizens of the City of London. See the City of London Sewers Act 1897.

or canal, or to divert or diminish any supply of water of right belonging to any river or canal; or to injuriously affect any reservoir, canal, river, or stream, or the feeders thereof, or the supply, quality, or fall of water, contained in any reservoir, canal, river, stream, or in the feeders thereof, in cases where any person would, if this Act had not been passed, have been entitled by law to prevent or be relieved against the injuriously affecting of such reservoir, canal, river, stream, feeders, or such supply, quality, or fall of water, unless the sanitary authority first obtain the consent in writing of the person so entitled as aforesaid. [See also s. 43 (2) (b).]

*Saving
Clauses.*

137. Nothing in this Act shall affect any power of the Conservators of the Thames under the Thames Navigation Act, 1870,* or otherwise.

*Saving for
Thames Con-
servators,
33 & 34 Vict.
c. cxlix.*
Powers of
Act to be
cumulative.*

138. All powers, rights, and remedies given by this Act shall be in addition to and not in derogation of any other powers, rights, and remedies conferred by any Act of Parliament, law, or custom, and all such other powers, rights, and remedies may be exercised and put in force in the same manner and by the same authority as if this Act had not passed.

Temporary Provisions.

139.—(1.) In the case of any medical officer of health or inspector of nuisances who holds office under an appointment made before the commencement of this Act (in this section referred to as an existing officer), the provisions of this Act with respect to his salary and tenure of office shall be qualified as follows: that is to say,

*Temporary
Provisions.*

*Existing
officers.*

(a.) Where a portion of his salary is paid by the County Council out of the Exchequer contribution account, the Local Government Board shall have the same powers as they have in the case of a district medical officer of a poor law union with regard to the qualification, appointment, duties, salary, and tenure of office of such officer: [See s. 108 (1).]

(b.) In any other case the Local Government Board may prescribe the qualification and duties of a medical officer of health: [See s. 108 (1).]

(c.) Subject to the said powers of the Local Government Board, the sanitary authority may make such payments as they think fit on account of the remuneration and expenses of such officer, and every such officer shall be removable by the sanitary authority at their pleasure:

(d.) Every such inspector of nuisances shall be called a sanitary inspector.

(2.) The requirements of this Act with respect to the qualification of medical officers shall not apply to medical officers appointed before the first day of January one thousand eight hundred and ninety-two; and this Act shall not prevent any person who at the commencement of this Act is both a district medical officer of a union and a medical officer of health from continuing to hold those appointments in like manner as if this Act had not been passed.

[See s. 142 (6).]

140. [As to existing members of the Woolwich Local Board. Rep. 62 & 63 Vict. c. 14, s. 35.]

* Rep. and replaced by the Thames Conservancy Act 1894 (see Appendix).

*Interpreta-
tion.*Interpreta-
tion of terms.*Interpretation.*

- 141.** In this Act, unless the context otherwise requires,—
- The expression “London” means the administrative county of London :
- The expression “County Council” means the London County Council :
- The expression “the Metropolitan Asylum Managers” means the Managers of the Metropolitan Asylum District :
- The expression “street” includes any highway, and any public bridge, and any road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not, and whether or not there are houses in such street :
- The expression “premises” includes messuages, buildings, lands, easements, and hereditaments of any tenure, whether open or enclosed, whether built on or not, and whether public or private, and whether maintained or not under statutory authority :
- The expression “house” includes schools, also factories and other buildings in which persons are employed :
- The expressions “building” and “house” respectively include the curtilage of a building or house, and include a building or house wholly or partly erected under statutory authority :
- The expression “bakehouse” means any place in which are baked bread, biscuits, or confectionery, from the baking or selling of which a profit is derived :
- The expression “vessel” includes a boat and every description of vessel used in navigation :
- The expression “hospital” means any premises or vessels for the reception of the sick, whether permanently or temporarily applied for that purpose, and includes an asylum of the Metropolitan Asylum Managers :
- The expression “master” means in the case of a building or part of a building, a person in occupation of or having the charge, management, or control of the building, or part of the building, and in the case of a house the whole of which is let out in separate tenements, or in the case of a lodging-house the whole of which is let to lodgers, includes the person receiving the rent payable by the tenants or lodgers either on his own account or as the agent of another person, and in the case of a vessel means the master or other person in charge thereof :
- The expression “house refuse” means ashes, cinders, breeze, rubbish, night-soil, and filth, but does not include trade refuse :
- The expression “trade refuse” means the refuse of any trade, manufacture, or business, or of any building materials :
- The expression “street refuse” means dust, dirt, rubbish, mud, road-scrappings, ice, snow, and filth :
- The expression “owner” means the person for the time being receiving the rackrent of the premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such premises were let at a rackrent :
- The expression “rackrent” means rent which is not less than two-thirds of the full annual value of the premises out of

which the rent arises; and the full annual value shall be taken to be the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for the premises, if the tenant undertook to pay all usual tenant's rates and taxes, and tithe commutation rentcharge (if any), and if the landlord undertook to bear the cost of the repairs, and insurance, and the other expenses (if any) necessary to maintain the premises in a state to command such rent:

*Interpreta-
tion.*

The expression "slaughterer of cattle or horses" means a person whose business it is to kill any description of cattle, or horses, asses, or mules, for the purpose of the flesh being used as butcher's meat; and the expression "slaughter-house" means any building or place used for the purpose of such business:

The expression "knacker" means a person whose business it is to kill any horse, ass, mule, or cattle which is not killed for the purpose of the flesh being used as butcher's meat; and the expression "knacker's yard" means any building or place used for the purpose of such business:

The expression "cattle" includes sheep, goats, and swine:

The expression "source of water supply" means any stream, reservoir, aqueduct, pond, well, tank, cistern, pump, fountain, or other work or means for the supply of water, whether actually used or capable of being used for the supply of water or not:

The expression "sanitary convenience" includes urinals, water-closets, earth closets, privies, and any similar conveniences:

The expression "day" means the period between six o'clock in the morning and the succeeding nine o'clock in the evening:

The expression "ashpit" means any ashpit, dust-bin, ash-tub, or other receptacle for the deposit of ashes or refuse matter:

The expression "cistern" includes a water-butt:

The expression "dairy" includes any farm, farmhouse, cowshed, milk-store, milk-shop, or other place from which milk is supplied, or in which milk is kept for purposes of sale:

The expression "dairyman" includes any cowkeeper, purveyor of milk, or occupier of a dairy.

Repeal.

Repeal.

142.—(1.) The Acts specified in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule, and shall be so repealed as from the date in that schedule mentioned, and where no date is mentioned as from the commencement of this Act;

*Repeal of
enactments
in schedule.*

(2.) Provided that—

(a) where any enactment in the said schedule extends beyond London, such enactment shall not unless otherwise expressed be deemed to be hereby repealed, so far as it applies beyond London:

(b) all securities given under and all orders, byelaws, rules, regulations, and notices duly made or issued under or having effect in pursuance of any Act hereby repealed shall be of the same validity and effect as if they had been given, made, or issued under this Act, and any

Repeal.

penalties recoverable under any such order, byelaw, rule, regulation, or notice may be recovered as if they were imposed by byelaws under this Act.

(3.) *[The first byelaws made by the County Council or sanitary authority for any purpose under this Act for which there were no byelaws in force at the passing of the Act to be submitted to the Local Government Board for sanction not later than six months after the commencement of this Act. Spent.]*

(4.) *[Any enactment expressed in the Fourth Schedule to this Act to be repealed as from the coming into operation of any byelaw made for the like object shall, although no such byelaw is made, be repealed on the expiration of twelve months next after the commencement of this Act, or such later day, not exceeding eighteen months from such commencement, as may be fixed by Order in Council. Spent.]*

38 & 39 Vict.
c. 55.
35 & 36 Vict.
c. 79.

(5.) For the removal of doubts it is hereby declared that so much of the Public Health Act, 1875 as re-enacts . . . sections thirty-four to thirty-six of the Public Health Act, 1872,* extends to London.

(6.) Officers appointed under any enactment hereby repealed shall continue in office in like manner as if they were appointed in pursuance of this Act, subject nevertheless to the provisions of this Act respecting existing officers. *[See s. 139.]*

(7.) Where in any enactment or in any order made by a Secretary of State or by the Local Government Board, and in force at the time of the passing of this Act, or in any document, any Act or any provisions of an Act are mentioned or referred to which relate to London and are repealed by this Act, such enactment, order, or document shall be read as if this Act or the corresponding provisions of this Act were therein mentioned or referred to instead of such repealed provisions, and as if a sanitary authority under this Act were substituted for any nuisance authority mentioned in such repealed provisions. *[See the Interpretation Act 1889, s. 38 (see Appendix).]*
[Words omitted ("sections fifty-one and fifty-two of the Sanitary Act 1866, and") rep. by the Public Health Act 1896, s. 6.]

Commence-
ment of Act.

143. This Act shall come into operation on the first day of January next after the passing thereof.

Short title.

144. This Act may be cited as the Public Health (London) Act, 1891.

* Ss. 34—36 of the Public Health Act 1872 are as follows :—

34. Where in any local Acts the consent, sanction, or confirmation of one of Her Majesty's principal Secretaries of State is required with respect to the borrowing of any money, to the giving effect to any byelaws, or to the appointment of any officer for sanitary purposes, the consent, sanction, or confirmation of the Local Government Board shall be required instead of that of the Secretary of State.

The consent of the Local Government Board, and not that of the Treasury shall be required to the borrowing of money for the purpose of the Baths and Wash-houses Acts.

If any question arises as to what are sanitary purposes within the meaning of this section, the determination of the Local Government Board on such question shall be conclusive.

35. The powers and duties of the Board of Trade under . . . the Metropolis Water Acts, 1852 and 1871, shall be exercisable and performed by the Local Government Board, and "the Local Government Board" shall be deemed to be substituted for "the Board of Trade" wherever the latter expression occurs in the said Acts.

36. All powers, duties and acts vested in, imposed on, or required to be done by or to one of Her Majesty's principal Secretaries of State by the several Acts of Parliament relating to highways in England and Wales, and to turnpike roads and trusts and bridges in England and Wales, shall be imposed on and be done by or to the Local Government Board, subject to the conditions, liabilities, and incidents to which such powers, duties, and acts were respectively subject immediately before the passing of the Public Health Act, 1872, or as near thereto as circumstances admit.

SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS APPLIED.

*Section 33 of the Metropolis Water Act, 1871.*34 & 35 Vict.
c. 113.

33. The absence in respect of any premises of the prescribed fittings after the prescribed time shall be a nuisance, within section 11 and sections 12–19 (inclusive) of the Nuisances Removal Act for England, 1855,* and within all provisions of the same or any other Act applying, amending, or otherwise relating to those sections; and that nuisance, if in any case proved to exist, shall be presumed to be such as to render the premises unfit for human habitation within section 13 of the Nuisances Removal Act for England, 1855,* unless and until the contrary is shown to the satisfaction of the Justices acting under that section. [See s. 2 (f).]

Absence of proper water fittings in premises to be a nuisance.

*Sections 108 and 115 of the Public Health Act, 1875,
relating to Nuisances out of the District.*

38 & 39 Vict.
c. 55.

108. Where a nuisance under this Act within the district of a local authority appears to be wholly or partially caused by some act or default committed or taking place without their district, the local authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances by this Act authorised, with the same incidents and consequences, as if such act or default were committed or took place wholly within their district; so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the district where the act or default is alleged to be committed or take place.

Power to proceed where cause of nuisance arises without district.

This section shall extend to the metropolis so far as to authorise proceedings to be taken under it by any nuisance authority in the metropolis in respect of any nuisance within the area of their jurisdiction caused by an act or default committed or taking place within the district of a local authority under this Act: or by any such local authority in respect of any nuisance within their district caused by an act or default committed or taking place within the jurisdiction of any such nuisance authority.

115. Where any house, building, manufactory, or place which is certified in pursuance of the last preceding section to be a nuisance or injurious to the health of any of the inhabitants of the district of an urban authority is situated without such district, such urban authority may take or cause to be taken any proceedings by that section authorised in respect of the matters alleged in the certificate, with the same incidents and consequences, as if the house, building, manufactory, or place were situated within such district; so, however, that summary proceedings shall not in any case be had otherwise than before a Court having jurisdiction in the district where the house, building, manufactory, or place is situated.

Power to proceed where nuisance arises from offensive trade carried on without district.

This section shall extend to the metropolis so far as to authorise proceedings to be taken under it by any nuisance authority in the metropolis in respect of any house, building, manufactory, or place which is certified as aforesaid to be a nuisance or injurious to the health of any of the inhabitants within the area of their jurisdiction, and is situated within the district of a local authority under this Act; or by any urban authority in respect of any house, building, manufactory, or place which is certified as aforesaid to be a nuisance or injurious to the health of any of the inhabitants of their district, and is situated within the jurisdiction of any such nuisance authority.

[See ss. 14 (2) and 21 (5).]

*Sections 130, 134, 135, and 140 of the Public Health Act, 1875. . . . relating to 38 & 39 Vict.
regulations and orders of the Local Government Board with respect to cholera, c. 55.
or other epidemic, endemic, or infectious diseases.*

130. The Local Government Board may from time to time make, alter, and revoke such regulations as to the said Board may seem fit, with a view to the treatment of persons affected with cholera, or any other epidemic, endemic, or infectious disease, and preventing the spread of cholera and such other diseases as well on the seas, rivers, and waters of the United Kingdom, and on the high seas within three miles of the coasts thereof, as on land; and may declare by what authority or authorities such regulations shall be enforced and executed.

Power of Local Government Board to make regulations.

* Rep. by s. 142 and Fourth Schedule.

Regulations so made shall be published in the "London Gazette," and such publication shall be for all purposes conclusive evidence of such regulations.

[*Parts omitted (the words "and section 2 of the Public Health Act 1889" and as to explanation of the powers of the Local Government Board to make regulations) rep. by the Public Health Act 1896, s. 6.*]

Power of Local Government Board to make regulations for prevention of diseases.

134. Whenever any part of England appears to be threatened with or is affected by any formidable epidemic, endemic, or infectious disease, the Local Government Board may make and from time to time alter and revoke regulations for all or any of the following purposes; (namely,)

- (1.) For the speedy interment of the dead; and
- (2.) For house to house visitation; and
- (3.) For the provision of medical aid and accommodation, for the promotion of cleansing, ventilation, and disinfection, and for guarding against the spread of disease;

and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any local authority, and to apply to any vessels, whether on inland waters or on arms or parts of the sea within the jurisdiction of the Lord High Admiral of the United Kingdom or the commissioners for executing the office of the Lord High Admiral for the time being, for the period in such order mentioned; and may by any subsequent order abridge or extend such period.

Publication of regulations and orders.

135. All regulations and orders so made by the Local Government Board shall be published in the London Gazette, and such publication shall be conclusive evidence thereof for all purposes.

Penalty for violating or obstructing the execution of regulations.

140. Any person who—

- (1.) Wilfully violates any regulation so issued by the Local Government Board as aforesaid; or,
- (2.) Wilfully obstructs any person acting under the authority or in the execution of any such regulation,

shall be liable to a penalty not exceeding five pounds.

[*See ss. 82 and 113.*]

38 & 39 Vict. c. 55.

Sections 182—186 of the Public Health Act, 1875, relating to byelaws.

Authentication and alteration of byelaws.

182. All byelaws made by a local authority under and for the purposes of this Act shall be under their common seal; and any such byelaw may be altered or repealed by a subsequent byelaw made pursuant to the provisions of this Act: Provided that no byelaw made under this Act by a local authority shall be of any effect if repugnant to the laws of England or to the provisions of this Act.

Power to impose penalties on breach of byelaws.

183. Any local authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the local authority; but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Confirmation of byelaws.

184. Byelaws made by a local authority under this Act shall not take effect unless and until they have been submitted to, and confirmed by, the Local Government Board, which Board is hereby empowered to allow or disallow the same as it may think proper; nor shall any such byelaws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such byelaws relate, one month at least before the making of such application; and

Unless for one month at least before any such application a copy of the proposed byelaws has been kept at the office of the local authority, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward.

The clerk of the local authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

A byelaw required to be confirmed by the Local Government Board shall not require confirmation, allowance, or approval by any other authority.

Byelaws to be printed, etc.

185. All byelaws made by a local authority under this Act, or for purposes the same as, or similar to, those of this Act under any local Act, shall be printed and hung up in the office of such authority; and a copy thereof shall

be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same.

186. A copy of any byelaws made under this Act by a local authority, signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence, until the contrary is proved, in all legal proceedings of the due making, confirmation, and existence of such byelaws without further or other proof.
[See s. 114.]

Evidence of byelaws.

Sections 293-296 of the Public Health Act, 1875, relating to Inquiries of the Local Government Board. 38 & 39 Vict. c. 55.

293. The Local Government Board may from time to time cause to be made such inquiries as are directed by this Act, and such inquiries as they see fit in relation to any matters concerning the public health in any place, or any matters with respect to which their sanction, approval, or consent is required by this Act.

Power of Board to direct inquiries.

294. The Local Government Board may make orders as to the costs of inquiries or proceedings instituted by, or of appeals to, the said Board under this Act, and as to the parties by whom or the rates out of which such costs shall be borne; and every such order may be made a rule of one of the superior courts of law on the application of any person named therein.

Orders as to costs of inquiries.

295. All orders made by the Local Government Board in pursuance of this Act shall be binding and conclusive in respect of the matters to which they refer, and shall be published in such manner as that Board may direct.

Orders of Board under this Act.

296. Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board, have in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which poor law inspectors have under the Acts relating to the relief of the poor for the purposes of those Acts.
[See s. 129 and the Poor Law Board Act 1847, s. 21.]

Powers of inspectors of Local Government Board.

Sections 211 and 212 of the Metropolis Management Act, 1855, relating to Appeals to London County Council. 18 & 19 Vict. c. 120.

211. Any person who deems himself aggrieved by any order of any vestry* or district board* in relation to the level of any building, or any order or act of any vestry* or district board* in relation to the construction, repair, alteration, stopping or filling up, or demolition of any building, sewer, drain, may, within seven days after notice of any such order to the occupier of the premises affected thereby, or after such act, appeal to the County Council against the same; and all such appeals shall stand referred to the committee appointed by such Council for hearing appeals as herein provided; and such committee shall hear and determine all such appeals, and may order any costs of such appeals to be paid to or by the vestry* or district board* by or to the party appealing, and may, where they see fit, award any compensation in respect of any act done by any such vestry* or district board* in relation to the matters aforesaid; provided that no such compensation shall be awarded in respect of any such act which may have been done under any of the provisions of this Act on any default to comply with any such order as aforesaid, unless the appeal be lodged within seven days after notice of such order has been given to the occupier of the premises to which the same relates.

Power to appeal against orders and acts of vestries and district boards in relation to construction of works.

212. The County Council shall appoint a committee for the purpose of hearing all such appeals as may be made to the said Council as aforesaid, which committee shall have power to hear and decide all such appeals, and the County Council shall from time to time fill up any vacancy in such committee, and the chairman of the said Council shall, by virtue of his office of chairman, be a member of the said committee in addition to the members appointed by the said Council, and shall preside at all meetings of such committee at which he is present; and in case of a vacancy in the office of such chairman, or in his absence, some other member of the committee shall be chosen to preside; and all the powers of such committee may be exercised by any three of them; and any member of such committee may at any time resign his office.
[See s. 126 and 18 and 19 Vict. c. 120, ss. 211 and 212, and notes thereon.]

County Council to appoint a committee for hearing appeals.

SECOND SCHEDULE. [*Provisions of Public Health Acts extended to Woolwich.* Rep. 62 & 63 Vict. c. 14, s. 35.]

* Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 11, s. 4.

THIRD SCHEDULE.

FORMS.

FORM A.

Form of Notice requiring Abatement of Nuisance.

To [person causing the nuisance, or owner or occupier of the premises at which the nuisance exists, as the case may be].

Take notice that under the provisions of the Public Health (London) Act, 1891, the [describe the sanitary authority], being satisfied of the existence at [describe premises where the nuisance exists] of a nuisance being [describe the nuisance, for instance, premises in such a state as to be a nuisance or injurious or dangerous to health, or for further instance, a ditch or drain so foul as to be a nuisance or injurious or dangerous to health], do hereby require you within [specify the time] from the service of this notice to abate the same [and to execute such works and do such things as may be necessary for that purpose, or and for that purpose to specify any works to be executed], [and the said [authority] do hereby require you within the said period to do what is necessary for preventing the recurrence of the nuisance, and for that purpose to etc.]

Where the nuisance has been abated, but is likely to recur, say, being satisfied that at etc. there existed recently, to wit, on or about the day of the following nuisance, namely [describe nuisance], and that although the said nuisance has since the last-mentioned day been abated, the same is likely to recur at the said premises, do hereby require you within [specify time], to do what is necessary for preventing the recurrence of the nuisance [and for that purpose to etc.]

If you make default in complying with the requisitions of this notice [or if the said nuisance, though abated, is likely to recur], a summons will be issued requiring your attendance before a petty sessional court, to answer a complaint which will be made for the purpose of enforcing the abatement of the nuisance, or prohibiting the recurrence thereof, or both, and for recovering the costs and penalties that may be incurred thereby.

Dated this day of 18 .
 Signature of officer }
 of sanitary authority }

FORM B.

*Form of Summons.**Summons.*

To A.B., of [or to the owner or occupier of] [describe premises] situated [insert such description of the situation as may be sufficient to identify the premises],

County of etc., } You are required to appear before [describe the petty
 to wit. } sessional court], at the court [or petty sessions] holden
 at on the day of next
 at the hour of in the noon, to answer the complaint this
 day made to me by that at the premises
 above mentioned [or at certain premises situated at No. in
 street in the parish of or insert any other such description or reference as
 may be sufficient to identify the premises], in the district of [describe the sanitary
 authority], the following nuisance exists [describe the nuisance and add, where the
 person causing the nuisance is summoned, and that the said nuisance is caused by
 the act, default, or sufferance of you. A.B.].

Where the nuisance is discontinued, but is likely to be repeated, say, to answer the complaint etc. that at etc. there existed recently, to wit, on or about the day of the following nuisance [describe the nuisance, and add, where the person causing the nuisance is summoned, and that the said nuisance was caused etc.], and although the said nuisance has since the said last-mentioned day been abated or discontinued, that the same or the like nuisance is likely to recur at the said premises.

Given under my hand and seal this day of 18 .
 J.S. (L.S.)

FORM C.

Form of Nuisance Order.

To *A.B.*, of [or to the owner or occupier of] [describe premises] situated [insert such description of the situation as may be sufficient to identify the premises].

County of, etc. } WHEREAS the said *A.B.* [or the owner or occupier of the premises] said premises within the meaning of the Public Health (London) Act, 1891, has this day appeared before me [or us, describing the court], to answer the matter of a complaint made by *etc.* that at *etc.* [follow the words of complaint in summons] [or in case the party charged do not appear, say, Whereas it has been now proved to my (or our) satisfaction that a summons has been duly served according to the Public Health (London) Act, 1891, requiring the said *A.B.* [or the owner or occupier of the said premises] to appear this day before me [or us] to answer the matter of a complaint made by *etc.* that at *etc.*]:

[Any of the following orders may be made or a combination of any of them as the case seems to require].

Now on proof here had before me [or us] that the nuisance so complained of Abatement does exist at the said premises [add, where the order is made on the person causing the nuisance, and that the same is caused by the act, default, or Order. 1.
sufferance of *A.B.*], I [or we], in pursuance of the Public Health (London) Act, 1891, do order the said *A.B.* [or the said owner or occupier] within [specify the time] from the service of this order according to the said Act [here specify the nuisance to be abated, as, for instance, to prevent the premises being a nuisance or injurious or dangerous to health, or, for further instance, to prevent the ditch or drain being a nuisance or injurious or dangerous to health] [and state any works to be executed, as, for instance, to whitewash and disinfect the premises, or, for further instance, to clean out the ditch].

And I [or we] being satisfied that, notwithstanding the said nuisance may be temporarily abated under this order, the same is likely to recur, do there- Order, No. 1.
fore prohibit the said *A.B.* [or the said owner or occupier] from allowing the recurrence of the said or a like nuisance [and for that purpose I or we direct the said *A.B.* or the said owner or occupier, here specify any works to be executed, as, for instance, to fill up the ditch].

Now, on proof here had before me [or us] that at or recently before the time of making the said complaint, to wit, on the nuisance so complained of did exist at the said premises, but that the same has since been abated [add, where the order is made on the person causing the nuisance, and that the nuisance was caused by the act, default, or sufferance of *A.B.*], yet, notwithstanding such abatement, I [or we] being satisfied that it is likely that the same or the like nuisance will recur at the said premises, do therefore prohibit [continue as in Prohibition Order, No. 1]. Prohibition Order, No. 2.

Now, on proof here had before me [or us] that the nuisance is such as to render the dwelling-house [describe the house] situated at [insert such a description of the situation as may be sufficient to identify the dwelling-house] unfit in my [or our] judgment for human habitation, I [or we] in pursuance of the Public Health (London) Act, 1891, do hereby prohibit the use of the said dwelling-house for human habitation. Closing Order.

Given under the hand and seal of me [or the hands and seals of us, describing the court.]

This

day of

18

J.S. (L.S.)*J.P.* (L.S.)

FORM D.

Form of Nuisance Order to be executed by Sanitary Authority.

To the [describe the sanitary authority],
County of, etc., }
to wit. } WHEREAS a complaint has been made by
that at certain premises situated at No. in street, in the parish of [or insert any other description or reference as may be sufficient to identify the premises] in the district of [describe the sanitary authority] the following nuisance exists [describe the nuisance].

And it has been now proved to my [or our] satisfaction that such nuisance exists, but that no owner or occupier of the premises, or person by whose act, default, or sufferance the nuisance is caused, is known or can be found [as the

case may be]; Now I [or we] in pursuance of the Public Health (London) Act, 1891, do [continue as in any of the orders in Form C. with the substitution of the name of the sanitary authority for that of A.B. or the owner or occupier].

Given etc. (as in last form).

FORM E.

Warrant of Justice for Entry to Premises.

WHEREAS A.B., being a person authorised under the Public Health (London) Act, 1891, to enter certain premises [describe the premises], has made application to me, C.D., one of Her Majesty's Justices of the Peace having jurisdiction in and for [describe the place], to authorise the said A.B. to enter the said premises, and whereas I, C.D., am satisfied by information on oath that there is reasonable ground for such entry, and that there has been a refusal or failure to admit to such premises, and either that reasonable notice of the intention to apply to a Justice for a warrant has been given, or that the giving of notice of the intention to apply to a Justice for a warrant would defeat the object of the entry.

[or am satisfied by information on oath that there is reasonable cause to believe that there is on the said premises a contravention of the Public Health (London) Act, 1891, or of a byelaw made under that Act, and that an application for admission or notice of an application for a warrant would defeat the object of the entry.]

Now, therefore, I, the said C.D., do hereby authorise the said A.B. to enter the said premises, and if need be by force, with such assistants as he may require, and there execute his duties under the said Act.

Given, etc. (as in last form).

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
26 Geo. 3. c. 71.	An Act for regulating houses and other places kept for the purpose of slaughtering horses.	The whole Act.
57 Geo. 3. c. xxix.	An Act for better Paving, Improving, and Regulating the Streets of the Metropolis, and Removing and Preventing Nuisances and Obstructions therein.	Section fifty-seven so far as it relates to a cesspool; sections fifty-nine to sixty-one; section sixty-three; section sixty-four from "or shall throw" to "either of such pavements" as from the coming into operation of any byelaw made for the like object; sections sixty-seven and sixty-eight; and sections seventy-three and seventy-four as from the coming into operation of any byelaw made for the like object.
2 & 3 Vict. c. 47.	An Act for further improving the police in and near the metropolis.	Section sixty, from "or cause any offensive matter" to "so as to be a common nuisance," as from the coming into operation of any byelaw made for the like object; and from "every occupier of a house" to "reference to this enactment."
7 & 8 Vict. c. 87.	An Act to amend the law for regulating places kept for slaughtering horses.	The whole Act.
16 & 17 Vict. c. 128.	An Act to abate the Nuisance arising from the smoke of Furnaces in the Metropolis and from Steam Vessels above London Bridge.	The whole Act as respects all places without as well as within London.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
18 & 19 Vict. c. 116. .	The Diseases Prevention Act, 1855.	The whole Act.
18 & 19 Vict. c. 120. .	The Metropolis Management Act, 1855.	Section eighty-one; sections eighty-two to eighty-five, except so far as they relate to a drain or sewer, or any work or apparatus connected therewith; section eighty-six down to "defrayed under this Act"; sections eighty-eight, one hundred and three, and one hundred and four; section one hundred and sixteen from "and also to cause" to the end of the section; sections one hundred and seventeen, and one hundred and twenty-five; section one hundred and twenty-six, as from the coming into operation of any byelaw made for the like object; sections one hundred and twenty-seven to one hundred and twenty-nine, one hundred and thirty-two, one hundred and thirty-three, and one hundred and thirty-four; section one hundred and ninety-eight from "and to every such report" to "for their parish or district"; section two hundred and two from "for the emptying" to "disposing of refuse" as from the coming into operation of any byelaw made for the like object; and section two hundred and eleven so far as regards any water-closet, privy, ashpit, or cesspool.
18 & 19 Vict. c. 121. .	The Nuisances Removal Act for England, 1855.	The whole Act.
19 & 20 Vict. c. 107. .	An Act to amend the Smoke Nuisance Abatement (Metropolis) Act, 1853.	The whole Act as respects all places without as well as within London.
23 & 24 Vict. c. 77. .	An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases.	The whole Act.
25 & 26 Vict. c. 102. .	The Metropolis Management Amendment Act, 1862.	Sections forty-three and sixty-two; in section sixty-four the word "eighty-first," and the words "and eighty-sixth"; sections sixty-seven, seventy, eighty-nine, ninety-one, ninety-three, ninety-four, and ninety-five; and section one hundred and five, from "and all penalties" to "1855."
26 & 27 Vict. c. 117. .	The Nuisances Removal Act for England (Amendment) Act, 1863.	The whole Act.
29 & 30 Vict. c. 41. .	The Nuisances Removal (No. 1) Act, 1866.	The whole Act.
29 & 30 Vict. c. 90. .	The Sanitary Act, 1866. .	The whole Act, except section forty-one.
31 & 32 Vict. c. 115. .	The Sanitary Act, 1868. .	The whole Act.
32 & 33 Vict. c. 100. .	The Sanitary Loans Act, 1869.	The whole Act.
33 & 34 Vict. c. 53. .	The Sanitary Act, 1870. .	The whole Act.
35 & 36 Vict. c. 79. .	The Public Health Act, 1872.	The whole Act.
37 & 38 Vict. c. 67. .	The Slaughterhouses, etc. (Metropolis) Act, 1874.	The whole Act.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
37 & 38 Vict. c. 89. .	The Sanitary Law Amendment Act, 1874.	The whole Act, except so much of sections forty-six and forty-nine as relates to common lodging-houses.
38 & 39 Vict. c. 55. .	The Public Health Act, 1875.	Section one hundred and eight from "In this section" to the end of the section; section one hundred and fifteen from "In this section" to the end of the section. Section two hundred and ninety-one, as respects the whole of the Port of London. Section thirty-four.
* 41 & 42 Vict. c. 74.	The Contagious Diseases (Animals) Act, 1878.	Section thirty-four.
42 & 43 Vict. c. 54. .	The Poor Law Act, 1879.	Sections fifteen and sixteen.
43 & 44 Vict. c. lix. .	The Local Government Board's Provisional Orders Confirmation (Amersham Union, etc.) Act, 1880.	Section two.
46 & 47 Vict. c. 35. .	The Diseases Prevention (Metropolis) Act, 1883.	The whole Act.
† 46 & 47 Vict. c. 53.	The Factory and Workshop Act, 1883.	Section seventeen, down to "for the district," being the first two sub-sections.
47 & 48 Vict. c. 60. .	The Metropolitan Asylum Board (Borrowing Powers) Act, 1884.	The whole Act.
48 & 49 Vict. c. 72. .	The Housing of the Working Classes Act, 1885.	Section seven; and section nine from "This section shall apply" to "sanitary authority," being sub-section (6).
‡ 49 & 50 Vict. c. 32.	The Contagious Diseases (Animals) Act, 1886.	Section nine.
51 & 52 Vict. c. 41. .	The Local Government Act, 1888.	Section forty-five; and section eighty-eight, from "Section one hundred and ninety-one" to the end of the section, being sub-section (c).
52 & 53 Vict. c. 56. .	The Poor Law Act, 1889.	Section three, down to "common poorfund," being sub-sections (1), (2), and (3); and sections six and seven.
52 & 53 Vict. c. 64. .	The Public Health Act, 1889.	Section one, from "and as regards" to the end of the section; and in section two the words "or of section fifty-two of the Sanitary Act, 1866."
52 & 53 Vict. c. 72. .	The Infectious Disease (Notification) Act, 1889.	Section two, from "to every London" down to "Act and" being sub-section (a); sections ten and twelve; section sixteen, from "the Commissioners of Sewers" down to "Act, 1887," being sub-sections (a) and (b); and from "The expression 'London district'" down to "local authority is elected."
53 & 54 Vict. c. 34. .	The Infectious Disease (Prevention) Act, 1890.	Section two, from "Local authority" to the end of the section; section three, from "to every London district" to "this Act; and"; and section five, down to "London district, and."
53 & 54 Vict. c. cexliii.	The London Council (General Powers) Act, 1890.	Sections twenty-two and twenty-four.

* Rep. (except s. 34) and replaced by the Diseases of Animals Act 1894.

† Rep. and replaced by the Factory and Workshop Act 1901.

‡ Rep. (except s. 9) and replaced by the Diseases of Animals Act 1894.

CHAPTER LIII.

AN ACT TO CONFIRM A PROVISIONAL ORDER MADE BY ONE OF HER
MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR MODIFYING
THE METROPOLIS (SHELTON STREET, ST. GILES) IMPROVEMENT
SCHEME, 1886.

[11th June 1891.]

[Preamble.]

1. The Order set out in the First Schedule to this Act is hereby confirmed, subject to the further provisions set out in the Second Schedule to this Act.

Order in
schedule
confirmed.

2. This Act may be cited as the Metropolis (Shelton Street, St. Giles) Provisional Order Confirmation Act, 1891.

Short title.

FIRST SCHEDULE. [Provisional Order of the Home Secretary dated 16th January 1891 confirming a Scheme for the modification of the Scheme confirmed by 50 & 51 Vict. c. cii. (and subsequently modified by an Order of the 4th December 1888) in the following particulars—viz. providing that Shelton Street shall not be widened as provided by the said Scheme; that the London County Council (herein-after referred to as the Council) may stop up and appropriate the part of the street tinted blue on plan No. 1 deposited at the Home Office in connection with the Scheme; that the Council shall form a new street as tinted red on the said plan, 20 feet wide, to form a means of communication between the remainder of Shelton Street, which is not to be shut up and appropriated as aforesaid, and Parker Street; that accommodation shall be provided for only 608, and not 660 persons of the working class on the lands tinted blue and marked A, B, C, D, and E on plan No. 2 deposited as aforesaid; that the lands tinted brown on the said plan No. 2 may be disposed of by the Council as they from time to time think fit; that the lands tinted green upon the said plan No. 2 shall be retained by the Council with a view to widening of Mucklin Street, should it be hereafter determined by the Council or the street authority for the district desirable to widen the same. Spent.]

SECOND SCHEDULE. [Provisions (inter alia) that the said new street and certain lands in Mucklin Street, tinted green on the said plan No. 2, shall be conveyed to the St. Giles District Board for widening that street; that all buildings erected by the Council fronting on Parker Street shall be set back 40 feet from the opposite side of the street; and provision for the widening by the said Board of Parker Street to 40 feet between Gain's Warehouse and the Hansard Union premises, the necessary land being conveyed by the Council to the said Board. Spent.]

CHAPTER LX.

* AN ACT TO CONFIRM A PROVISIONAL ORDER MADE BY ONE OF
HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR THE
IMPROVEMENT OF AN UNHEALTHY AREA SITUATED IN THE
PARISHES OF ST. MATTHEW, BETHNAL GREEN, AND ST. LEONARD,
SHOREDITCH, IN THE COUNTY OF LONDON. [3rd July 1891.]

[Preamble.]

1. The Order set out in the Schedule to this Act is hereby confirmed.

Order in
schedule
confirmed.

2. This Act may be cited as the London (Boundary Street, Bethnal Green) Provisional Order Confirmation Act, 1891.

Short title.

SCHEDULE.

LONDON (BOUNDARY STREET, BETHNAL GREEN) IMPROVEMENT SCHEME, 1890.

[Provisional Order of the Home Secretary dated 11th May 1891 confirming a Scheme made by the London County Council (herein-after referred to as the Council) under the Housing of the Working Classes Act 1890, for the improvement

* See 58 & 59 Vict. c. v.

of an unhealthy area situated partly in the parish of St. Matthew, Bethnal Green, and partly in the parish of St. Leonard, Shoreditch. The Order recites that the number of persons of the working class displaced by the Scheme is estimated at 5,719, that the number of working-class persons to be accommodated under the Scheme is estimated at 4,600, and that accommodation for 800 persons has been, or is about to be, provided in the vicinity, and that the Council intended to acquire the site of Goldsmith Square, and accommodate 500 more persons thereon, and requires the Council to provide on the improvement area accommodation for 5,100 persons of the working class, to be reduced to 4,600 persons in the event of the Council acquiring Goldsmith Square and providing thereon for 500 such persons. The Order also requires the widening of Boundary Street, Mount Street, Mead Street, and Old Nichol Street, so far as affected by the Scheme, to a minimum of 40 feet; the continuation of Mead Street of the width of 40 feet into Boundary Street and Mount Street, and Old Nichol Street of the width of 40 feet into Mount Street; the widening of Jacob Street to 40 feet, and the continuation thereof of the same width into Mount Street, and in line of Culvert Street to High Street, Shoreditch; and the formation of new streets, 40 feet wide, in line of Nichol Row from Church Street to Virginia Road, and in line of New Nichol Street from Boundary Street to Nichol Row; and the formation of a new street, 40 feet wide, from Old Nichol Street to Jacob Street. Spent.]

CHAPTER LXXVII.

AN ACT TO PROVIDE FOR THE CONTROL AND REGULATION OF OVERHEAD WIRES IN THE ADMINISTRATIVE COUNTY OF LONDON.

[3rd July 1891.]

[Preamble.]

Short title
and extent
of Act.

1. This Act may be cited for all purposes as the London Overhead Wires Act 1891 and shall extend and apply to the administrative county of London.

Interpreta-
tion.

2. In this Act—

The expression “the Council” means the London County Council;

The expression “the county” means the administrative county of London;

The expression “local authority” means—

As regards any street road embankment bridge park garden or open space vested in the Council or under their control and management the Council;

Subject as aforesaid—

As regards the city of London the Commissioners of Sewers * of the city of London;

As regards any parish named in Schedule A † to the Metropolis Management Act 1855 or any parish which under any subsequent Act is to be dealt with as if named in the said schedule the vestry of that parish ‡ as constituted under the said Acts;

As regards any district mentioned in Schedule B † of the Metropolis Management Act 1855 and not dissolved by any Act amending the same the district board ‡ of such district as constituted under the said Acts;

And as regards any place mentioned in Schedule C † of the Metropolis Management Act 1855 the Council;

* Now the Mayor, Commonalty, and Citizens of the City of London. See the City of London Sewers Act 1897.

† See 18 & 19 Vict. c. 120, Schs. A, B, and C, and notes thereon.

‡ Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4

The expression "the company" means and includes any company or person having placed or claiming any power to place any wire overhead in the county ;

The expression "street" has the meaning assigned thereto in the Metropolis Management Act 1855 and the Metropolis Management Amendment Act 1862; [*See 18 & 19 Vict. c. 120, s. 250, and 25 & 26 Vict. c. 102, s. 112.*]

The expression "wire" includes any wire conductor or cable and any support or attachment thereto any part of which is placed or shall hereafter be placed over any street or any part of any street and also any wire conductor cable support or attachment placed or intended to be placed on or over any building or land and situate at any point within a distance of fifty feet from any street but shall not include any such wire conductor cable support or attachment which is placed or may be placed wholly upon or over any railway or any land belonging to a railway company and used as a railway station siding or yard or any part of any such wire conductor or cable being upon or over any railway or such land ;

The expression "telegraphic line" has the same meaning as in the Telegraph Act 1878.*

3. From and after the passing of this Act the company shall within one month after they shall have placed any wire overhead give notice in writing to the Council and the local authority specifying the locality and position in which the wire has been placed and after byelaws in relation to wires shall have been made under the powers of this Act it shall not be lawful to place any wire overhead otherwise than subject to and in accordance with such byelaws.

New overhead wires not to be placed except in accordance with byelaws.

4. The company by carrying a wire over any land or building or supporting such wire thereon or attaching the same thereto shall not otherwise than by agreement with the owner of and persons interested in such land or building acquire any right which shall in any way interfere with any right of such owner or other person and if at any time by reason of any alteration re-building or otherwise it becomes necessary for any such owner or person to require the company to alter or remove any such wire the company shall alter or remove the same accordingly on being required so to do by notice in writing by such owner or person :

Rights over private property not to be acquired except by agreement

And in the event of the company refusing or neglecting for the space of one month after such requisition to alter or remove the same it shall be lawful for any inspector officer or workman duly appointed by the Council with the consent of such owner or person to remove or alter the same and to enter upon the land or building for that purpose and the costs and expenses of and incidental to such removal shall be repaid by the company to the Council on demand and in default of payment may be recovered in a summary way :

As regards the city of London this section shall be read and have

* Section 2 of the Telegraph Act 1878 defines the expression "telegraphic line" to mean "telegraphs, posts, and any work (within the meaning of the Telegraph Act 1863) and also any cables, apparatus, pneumatic or other tube, pipe, or thing whatsoever used for the purpose of transmitting telegraphic messages or maintaining telegraphic communication, and includes any portion of a telegraphic line as defined by this Act." [*The Telegraph Act 1863, s. 3, provides (inter alia) that the term "work" includes telegraphs and posts.*]

effect as if the Commissioners of Sewers * were named therein instead of the Council.

Byelaws.

5. Subject to the provisions of this Act the Council may from time to time make and vary byelaws with respect to any of the following matters :—

The identification of overhead wires by registration or otherwise ;
The regulation of wires ;

The strength of the materials to be employed in placing maintaining and supporting wires ; and

The removal of wires erected or placed otherwise than in accordance with such byelaws and of disused wires :

And they may by such byelaws fix and determine the penalties to be imposed on the company or any person failing to comply with any of the provisions of this Act and the continuing penalties to be imposed in the event of any such offence being continued after conviction thereof :

Provided that no such byelaw shall have any force or effect until it shall have been approved by the Board of Trade who may prescribe to whom and in what manner notices of the intended byelaws shall be given and provided also that before any such byelaws are proposed to the Board of Trade for confirmation notice thereof with copies of the intended byelaws shall be given to the Postmaster General :

After the making of any such byelaws a copy thereof shall be published in the London Gazette and in such other newspapers as the Board of Trade may direct :

Provided also that the Board of Trade may exempt any then existing wire from the operation of any such byelaw for such period as they think proper not exceeding five years from the confirmation thereof.

Enforcement of byelaws by local authority.

Providing for uniformity in enforcement of byelaws.

6. Byelaws under this Act shall subject to the provisions of this Act be enforced and administered by the local authority.

7. If in any case in any one or more of the parishes or districts within the county any byelaw under this Act is in the opinion of the Council inadequately enforced or if in any two or more of such parishes or districts owing to want of uniformity in the method of administering any byelaw the Council consider it is expedient in the public interest that provision should be made for duly enforcing such byelaw or establishing uniformity in the application and enforcement of the same the Council may apply to the Board of Trade who may after hearing any vestry † or district board † concerned if they desire to be heard make under the hand of a secretary or assistant secretary such order for securing the enforcement of such byelaw or for establishing uniformity in the administration thereof as they may think expedient Any such order may include a power to the Council to enforce any byelaw in any case in any parish or district and to recover any expenses incidental thereto from the vestry † or district board.†

Inspectors of overhead wires.

8. It shall be lawful for the Council or the local authority as the case may be to appoint and employ an inspector or inspectors of wires and such other officers and workmen as they may find requisite for the purposes of this Act.

* Now the Mayor, Commonalty, and Citizens of the City of London. See the City of London Sewers Act 1897.

† Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

9. If at any time on the report of any of their inspectors it shall appear to the local authority that any wire is in such a condition that danger to the public using the streets may be apprehended the local authority may serve notice in writing on the company requiring them to remove renew or alter the same and to place such wire in such position as the local authority may reasonably determine and in the event of such requisition not being complied with within such reasonable time as shall be therein specified it shall be lawful for the local authority to apply to a court of summary jurisdiction to issue a summons calling on the company to show cause why the wire should not be dealt with in accordance with such requisition and such court may make an order authorising the local authority or any of their inspectors or officers to remove or alter any such wire and to charge the expenses of such removal or alteration on the company to whom the wire belongs as may be prescribed in such order. And such expenses may be recovered under the provisions of the Summary Jurisdiction Acts :

Removal of
existing
overhead
wires.

Provided that the local authority may at any time after byelaws shall have been made and published under the provisions of this Act proceed under this section without any such notice or requisition in the case of any wire not being in accordance with such byelaws and at any time after such byelaws are made and published it shall be lawful for the Council or local authority to remove any such wire if they are unable to ascertain the owner thereof.

10. Nothing in this Act or in any byelaw made under this Act or any compliance with any of the provisions of this Act or of any such byelaw shall relieve the company from any liability in respect of damage caused by any wire or support or attachment or the failure thereof or otherwise due to any works or operations of the company.

As to lia-
bility for
accidents.

11. Where under the provisions of this Act any matter is referred to an arbitrator the reference shall be to an arbitrator who shall be appointed by the Board of Trade on the application of the Council local authority or the company to whom the question refers.

Arbitrator.

12. *[No writ shall be issued and no proceeding shall be instituted against the Council Local Authority or any officer or person acting under their authority in reference to this Act, except after such notice and subject to such conditions as are specified in s. 106 of 25 & 26 Vict. c. 102, which section is deemed to be incorporated with this Act. Semble superseded by the Public Authorities Protection Act 1893, which repeals s. 106 of 25 & 26 Vict. c. 102. (See Appendix.)]*

13. Every sum of money required by this Act to be paid to the Council or local authority and every penalty imposed by any byelaw made in pursuance of this Act may be recovered by the Council or local authority in a summary way.

Recovery of
penalties.

14. All penalties which may be recovered under any of the byelaws made under the powers of this Act shall notwithstanding anything contained in an Act made and passed in the session holden in the second and third years of the reign of Her present Majesty chapter 71 or in any other Act or Acts to the contrary if recovered by the Council be paid to the Council and be carried by them to the credit of the county fund or if recovered by the local authority be paid to their treasurer to their account or if recovered by the Commissioners of Sewers be carried to the credit of their consolidated rate. *[See note on s. 4.]*

Application
of penalties.

Evidence of byelaws.

15. The production of a written copy of a byelaw made under this Act if authenticated by the corporate seal of the Council shall until the contrary is proved be sufficient evidence of the due making and existence of the byelaw and of the byelaw having been approved by the Board of Trade.

Wires not to be inconsistent with regulations of Board of Trade.

16. The company shall not under the powers of this Act or any byelaw made under this Act be required to place any wire in any manner which shall be inconsistent with any regulation or condition for securing the safety of the public or for the protection of the electric lines and works of the Postmaster General made prescribed or imposed by the Board of Trade under the Electric Lighting Acts 1882 and 1888 or under any special Act or Provisional Order or license under the provisions of the Electric Lighting Acts 1882 and 1888 or either of them.

As to authorised electric lighting undertakers and wires.

17. Nothing in this Act or any byelaw made in pursuance thereof shall apply or extend to any undertakers acting under special Act Provisional Order or license under the Electric Lighting Acts 1882 and 1888 or to any wires of such undertakers.

Exempting private wires.

18. Nothing in this Act shall extend to any wire placed by any person for his private use over land belonging to him or in his occupation which does not extend over any street and is so constructed and placed that neither the wire nor any support thereof or attachment thereto would be liable to fall into any public street.

Not to authorise placing unauthorised wires overhead.

19. Nothing in this Act contained shall be deemed to authorise the Council to confer any powers of placing wires for electric lighting purposes overhead on any company body or person not authorised so to place such wires by a special Act Provisional Order or license under the provisions of the Electric Lighting Acts 1882 and 1888.

Exemption of Government and Crown property from powers as to overhead wires.

20. Nothing in this Act shall authorise any wire to be carried over supported on or attached to any land building or structure in the occupation and under the management of or maintained by Her Majesty or Her Majesty's Duchy of Lancaster or the Duchy of Cornwall or any department of Her Majesty's Government or shall authorise any entry upon any such land building or structure without in each case the consent of the department of Her Majesty's Government or of the officer or body charged with the management of such land building or structure.

Saving for Postmaster General.

21. Nothing in this Act or in any byelaws made in pursuance of this Act shall be deemed to apply or extend (except by way of protection) to any telegraphic line belonging to or used by the Postmaster General or to any support or attachment thereof and nothing in this Act or in any such byelaws shall be deemed to take away abridge or prejudicially affect any right power or privilege enjoyed by the Postmaster General.

As to payments by local authorities under this Act.

22. All costs and expenses of any vestry * or district board * in the execution of this Act or any byelaws under this Act shall be paid as part of the expenses of such vestry or district board of executing the Metropolis Management Act 1855 and the Acts amending the same and all costs and expenses of the Commissioners of Sewers † in the execution of this Act or any byelaws under this Act shall be paid out of the consolidated rate as part of the expenses of such Commissioners. [*See also 62 & 63 Vict. c. 14, s. 10.*]

* Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

† Now the Mayor, Commonalty, and Citizens of the City of London. See the City of London Sewers Act 1897.

23. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [Part omitted (expenses of obtaining Act) spent.]

As to payments under this Act.

CHAPTER CCV.

AN ACT TO PROVIDE FOR THE RECEPTION OF SEWAGE FROM TOTTENHAM AND WOOD GREEN IN THE COUNTY OF MIDDLESEX INTO THE MAIN DRAINAGE SYSTEM OF THE LONDON COUNTY COUNCIL AND FOR OTHER PURPOSES. [5th August 1891.]

[Preamble recites (inter alia) the Lee Conservancy Act 1868, and that by the Lee Purification Act 1886 (hereinafter called "the Act of 1886") the Hackney Board of Works were empowered to make and maintain a sewer and works for connecting the outfall works of the Tottenham Local Board with the sewers of the Hackney Board, and the Hackney Board and the Metropolitan Board of Works were required to receive into their sewers, for limited periods, all effluent water that might pass into the said sewer, and further recites the constitution of the Wood Green Local Board and the inclusion in the district of such Board of part of the district of the Tottenham Local Board under the Tottenham Local Board (Division of District) Act 1888; and recites an agreement of the 3rd July 1888 confirmed by the last-mentioned Act, whereby a Joint Drainage Committee of the Tottenham and Wood Green Local Boards (hereinafter called "the Joint Drainage Committee") was constituted and the sewerage system of the districts of the said Local Boards (hereinafter called "the joint drainage district") was placed under the control of such committee; and recites that by the Tottenham Local Board Act 1890 the Hackney Board and the Joint Drainage Committee were empowered to make agreements extending the provisions of the Act of 1886 for a period of six months from the 25th June 1891; and recites the transfer by 51 & 52 Vict. c. 41 of the duties, liabilities, properties, and powers of the Metropolitan Board of Works to the London County Council (hereinafter called "the Council"); and that the powers of the Hackney Board and of the Council under the said Acts of 1886 and 1890 will expire on the 25th December 1891, and recites that by an Order of the Council under section 137 of 18 & 19 Vict. c. 120 so much of the sewer made under the Act of 1886 as is within the district of the Hackney Board together with another sewer of the Hackney Board communicating therefrom with the Wick Lane Branch of the High Level Outfall Sewer have become a main sewer vested in and under the control of the Council.]

1. This Act may be cited for all purposes as the Tottenham and Wood Green Sewerage Act 1891. short title.

2. From and after the passing of this Act the Joint Drainage Committee shall become and be a body corporate by the name of "the Tottenham and Wood Green Joint Drainage Committee" with perpetual succession and a common seal and with power to sue and be sued. Incorporating Joint Drainage Committee.

3. Subject to the provisions of this Act the Council shall permit the sewage of the joint drainage district to be delivered into the Admission of sewage from

joint drain-
age district
into sewers
of Council.

Interpreta-
tion.

Engineer of
Council to
have access
to works of
Joint Drain-
age Com-
mittee.

Sewage of
other dis-
tricts not to
pass into
sewers of
Council.

Limitation
of quantity
of sewage to
be delivered.

Gauges to be
erected by
Joint Drain-
age Com-
mittee for
measuring
sewage.

sewers of the Council and shall do all things necessary for securing and maintaining such openings in such sewers and such communications therewith from the sewers of the joint drainage district as may be requisite for that purpose.

4. In and for the purposes of this Act unless the context otherwise requires "sewage" means sewage which before being delivered into the sewers of the Council shall have been screened through a screen having a clear space between the bars not greater than half an inch in any part.

5. The principal engineer of the Council and any other officers of the Council duly authorised in writing by the Council or their principal engineer shall at all times have access to any station or works of the Joint Drainage Committee through or by means of which from time to time sewage may be discharged into the sewers of the Council. Any new station or works constructed from time to time by the Joint Drainage Committee through or by means of which sewage may be discharged into sewers of the Council shall be constructed to the satisfaction of the said engineer and all such works shall be from time to time maintained to the satisfaction of such engineer.

6. The Joint Drainage Committee shall not without the consent of the Council permit or suffer any district or place beyond the area under the jurisdiction of the Council other than the joint drainage district to drain into or otherwise be connected with any sewer or sewers for the time being in the joint drainage district which may discharge into a sewer of the Council and no such other district or place shall have any right to so drain or be connected notwithstanding any provision in any general Act.

7. The quantity of sewage to be delivered under this Act into the sewers of the Council shall not exceed in any one day a quantity equal at the time to one hundred and seventy-five gallons for every house in the joint drainage district for the time being assessed to the rate for the relief of the poor such quantity to be measured at or near to the point or points of delivery of such sewage into the sewers of the Council and if that quantity shall be at any time exceeded in any one day the Joint Drainage Committee shall pay to the Council in respect of all sewage delivered in any one day above the aforesaid quantity the sum of one pound for every one thousand gallons of sewage so delivered in excess of the aforesaid quantity such sums to be recoverable in any court of summary jurisdiction. The certificate of the engineer of the Council as to the quantity of sewage so delivered in excess of the quantity limited as aforesaid shall be conclusive:

Provided always that nothing in this section contained and no payment of any such sums as aforesaid shall give to the Joint Drainage Committee any right claim power or authority to deliver into the sewers of the Council in any one day more than the quantity limited as aforesaid.

8. The Joint Drainage Committee shall before delivering or permitting to be delivered any sewage into the sewers of the Council under the powers of this Act erect to the satisfaction of the Council at or near the point or points of delivery of such sewage into the sewers of the Council a proper and sufficient gauge or gauges for measuring the sewage to be delivered and every such gauge shall be at all times maintained by the Joint Drainage Committee to

the satisfaction of the Council and shall be at all times open to the examination and inspection of the engineer and other officers of the Council.

9. Whereas there is now in partial operation within the joint drainage district a duplicate system of sewers one set of sewers intended for the reception of sewage matter and the other intended for the reception of rainfall and surface waters and the delivery thereof into the River Lee:

Separate
system for
rainfall.

(i) The Joint Drainage Committee the Tottenham Local Board* and the Wood Green Local Board† shall so far as such duplicate system now extends or shall hereafter be extended take all proper precautions and use all legal means to ensure that no drain gully or channel within the joint drainage district which ought to be connected with a sewer intended for the reception of rainfall or surface waters shall be connected with a sewer intended for the reception of sewage matter or vice versa so that on the one hand rainfall and surface waters shall not be delivered directly or indirectly into the sewers of the Council and that on the other hand sewage shall not be delivered directly or indirectly into the River Lee;

(ii) From and after the passing of this Act it shall not be lawful for the Tottenham Local Board* in their district or the Wood Green Local Board† in their district to construct any new sewer or to permit any new sewer to be constructed or to take over and adopt any sewer unless or until there shall have been constructed in connexion therewith a separate and adequate sewer or drain for the reception of rain and surface water and such sewers shall be so constructed and maintained that rain and surface water shall not be delivered directly or indirectly into the sewers of the Council and that sewage or sewage matter shall not be delivered directly or indirectly into the River Lee and as regards all the sewers of either local board existing at the passing of this Act from which rainfall and surface waters are not intercepted by separate sewers each of the said local boards in their respective districts shall at the expense of their respective districts as far as may be reasonably practicable intercept and divert the rain and surface waters from such sewers within five years from the passing of this Act.

10. The Joint Drainage Committee shall pay to the Council in respect of the right to deliver sewage under this Act into the main drainage system of the Council the following payments:—

Annual pay-
ments by
Joint Drain-
age Com-
mittee to
Council.

(1) [*During 10 years next after 28th August 1891, £1,050 a year. Spent.*]

(2) From and after the expiration of the said period of ten years up to the twenty-eighth day of August one thousand nine hundred and forty-nine one thousand two hundred and ninety-eight pounds and seven shillings per annum.

11. By way of contribution towards the current expenses incurred by the Council in respect of their main drainage system the Joint

Contribu-
tions to be
paid by Joint

* Now the Tottenham Urban District Council. See the Local Government Act 1894.

† Now the Wood Green Urban District Council. See the Local Government Act 1894.

Drainage
Committee
towards
expenses of
main drain-
age system.

Drainage Committee shall pay to the Council the following annual payments :—

- (1) Such sum as shall from time to time be certified by the comptroller of the Council to be requisite to provide interest and sinking fund in respect of such a proportion of the money borrowed by the Metropolitan Board of Works or the Council for main drainage purposes before or after the passing of this Act and for the time being undischarged as the rateable value of the property within the joint drainage district assessable to the county rate bears to the rateable value of the property assessable to the county rate in the area liable to contribute to the Council in respect of main drainage charges ;
- (2) Such additional sum to be certified as aforesaid as shall bear to the total annual cost of the maintenance and working of the main drainage system of the Council the same proportion as the rateable value of the property within the joint drainage district assessable to the county rate bears to the rateable value of the property assessable to the county rate in the area liable to contribute to the Council in respect of main drainage charges.

Dates of
payments.

12. The payments by this Act required to be made by the Joint Drainage Committee to the Council shall be payable in manner following (that is to say) :—

- (i) [*£1,050 a year till 28th August 1901. Spent.*]
- (ii) The said annual sum of one thousand two hundred and ninety-eight pounds and seven shillings shall be paid half-yearly (that is to say) On the twenty-eighth day of February and the twenty-eighth day of August in every year and the first of such payments shall be due on the twenty-eighth day of February one thousand nine hundred and two ;
- (iii) The sums payable under this Act by way of contribution towards the current expenses of the Council in respect of their main drainage system shall be paid at the dates at which the Council require the payment of their precepts in respect of county rate.

Power to
Council to
enforce
payments.

13. If at any time the Joint Drainage Committee fail to make any of the payments prescribed by this Act at the times in this Act respectively specified it shall be lawful for the Council to proceed to recover the same with costs from the Tottenham and Wood Green Local Boards * respectively and in addition to any other remedy in that behalf the Council may proceed in the same manner and with the same rights as if the payments in default were expenses incurred by the Joint Drainage Committee in carrying out the purposes for which the said Committee was appointed and the Council may proceed in manner provided by the Public Health Act 1875 as if they were a joint board under section 283 of that Act or as nearly as may be in accordance with the provisions of that Act.

Valuation
lists of
district for
county rate
and for poor
rate to be
furnished to
Council.

14. The Tottenham and Wood Green Local Boards * shall from time to time (if and when required by the Council) furnish to the Council a properly certified copy of the current valuation of the property within their respective districts for the purposes of the county rate and shall also immediately after the passing of this Act

* Now the Tottenham and Wood Green Urban District Councils. See the Local Government Act 1894.

and from time to time thereafter when required by the Council but not oftener than once in every five years furnish to the Council a properly certified copy of the then current valuation list in force within their respective districts for the purposes of the rate for the relief of the poor and shall also furnish to the Council a copy of every addition to and alteration made in the said valuation list by the assessment committee.

15. The Council shall have power from time to time to take such steps as they may think desirable to examine the valuation of the property within the joint drainage district and if for any reason the Council shall be dissatisfied with the amount of the valuation for the county rate for the purposes of this Act they may agree with the Joint Drainage Committee what the amount of the annual rateable value of property within the joint drainage district assessable to the county rate shall be deemed to be for the purposes of this Act and if in any case the Council and the Joint Drainage Committee cannot agree then (if the Council so require) it shall be referred to an arbitrator to determine what such annual rateable value shall be deemed to be for the purposes of this Act and any agreement between the Council and the Joint Drainage Committee or the award of such arbitrator shall for the purposes of this Act be binding on both the Council and the Joint Drainage Committee and also on the Tottenham and Wood Green Local Boards* for one year from the date of such agreement or award. The arbitrator shall be a person to be agreed upon by the Council and the Joint Drainage Committee or in default of agreement to be appointed on the application of either of them by the Local Government Board and the arbitrator shall have power over the costs of the arbitration.

Power to Council to examine valuations and if dissatisfied to refer them to arbitration.

16. All moneys payable by and expenses of the Joint Drainage Committee under this Act shall be deemed to be expenses incurred by the Joint Drainage Committee in carrying out the purposes for which the Joint Drainage Committee is appointed within the meaning of section 12 of the Tottenham Local Board (Division of District) Act 1888 and shall be paid and defrayed as therein mentioned.

Moneys payable under this Act to be expenses of Joint Drainage Committee under section 12 of Tottenham Local Board Act 1888.

17. [*For protection of Reuben Button. Spent.*]

18. [*Expenses of obtaining this Act. Spent.*]

CHAPTER CCVI.

AN ACT TO CONFER POWERS ON THE LONDON COUNTY COUNCIL FOR THE RECONSTRUCTION OF BRIDGES THE IMPROVEMENT OF STREETS AND THE ACQUISITION AND MANAGEMENT OF LAND FOR VARIOUS PURPOSES IN THE ADMINISTRATIVE COUNTY OF LONDON TO PROVIDE FOR CONTRIBUTIONS BY LOCAL BODIES TOWARDS THE COST OF CERTAIN WORKS TO EMPOWER THE COUNCIL TO GRANT SUPERANNUATION ALLOWANCES IN CERTAIN CASES TO ESTABLISH A PROVIDENT FUND FOR OFFICERS AND SERVANTS AND TO HOLD INQUIRIES AS TO MARKETS AND FOR OTHER PURPOSES.

[5th August 1891.]

[*Preamble recites* (inter alia) 18 & 19 Vict. c. 120, s. 213; 28 & 29 Vict. c. 90, s. 8; 29 & 30 Vict. c. 31; 50 & 51 Vict. c. 34,

* Now the Tottenham and Wood Green Urban District Councils. See the Local Government Act 1894.

s. 6; the Lunacy Act 1890; 17 & 18 Vict. c. clxix., and 38 & 39 Vict. c. lxxxvii., hereinafter collectively referred to for the purposes of this Act as "*the Superannuation Acts*"; and further recites a resolution passed by the Council on the 2nd April 1889 as follows—

"All persons to be appointed by the Council shall be appointed on the distinct understanding that no superannuation or pension shall be attached to the office and shall enter into an agreement with the Council that they are appointed and accept office on that understanding and that it shall be referred to the Standing Committee of the Council to have such agreement prepared and submitted to the Council for its approval and to consider a scheme for promoting insurance among the servants of the Council":

and also a resolution of the Council passed on the 9th July 1899 as follows—

"That the following words be added to the standing order of the Council with reference to superannuation (meaning thereby the recited resolution of the second day of April one thousand eight hundred and eighty-nine) 'Provided that this order shall not apply to the members of the Metropolitan Fire Brigade.'"

Short title.

1. This Act may be cited as the London Council (General Powers) Act 1891.

Interpretation of terms.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

"The Council" means the London County Council;

"The improvements" means and includes the new bridges the widening and improvement of streets and the works connected therewith by this Act authorised;

"Street" has the meaning assigned to that term in the Metropolis Management Act 1855 and the Acts amending the same.

[Parts omitted (definitions of "Justice," "two Justices," and "lessee," of words in *Lands Clauses Acts* incorporated, and of "superior courts" or "court of competent jurisdiction" in this Act and in the incorporated Acts) spent.]

3. [Incorporation of *Lands Clauses Acts*. Spent.]

PART I.

BRIDGES STREET IMPROVEMENTS.

Power to Council to make works.

4. Subject to the provisions of this Act in the lines and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the Council may execute the works hereinafter described:—

BARKING ROAD BRIDGE.

The Council may remove and alter the iron bridge across Bow Creek connecting the East India Dock Road with the Barking Road partly in the parish of Saint Leonard Bromley in the county of London and partly in the parish of West Ham in the county of Essex and may construct instead thereof a new bridge at or near the site of the said iron bridge with approaches;

The approach on the western side to commence in East India Dock Road in the parish of Saint Leonard Bromley and the approach on the eastern side to commence in the parish of West Ham in the Barking Road ;

The Council may make a new street in the said parish of Saint Leonard Bromley in substitution for part of Lea Place. The new street to commence in Abbott Road near its junction with the East India Dock Road and to terminate by a junction with Lea Place ;

The Council may stop up and appropriate that portion of Lea Place which is contiguous to the north side of the East India Dock Road as shown on the deposited plans.

ISLE OF DOGS BRIDGES.

The Council may construct in the parish of All Saints Poplar the bridges hereafter described viz. :—

(A) *Preston Road Bridge.*

A new bridge with approaches across the entrance from the Blackwall Reach of the River Thames to the Blackwall Basin of the West India Docks on the eastern side of the existing swing bridge over that entrance.

(B) *Limehouse Entrance Bridge.*

A new bridge with approaches across the entrance from the Limehouse Reach of the River Thames to the Limehouse Basin of the West India Docks on the eastern side of the existing swing bridge over the said entrance.

(C) *City Arms Bridge.*

A new bridge with approaches across the entrance from the Limehouse Reach of the River Thames to the South Dock of the West India Docks on the site of the existing swing bridge.

(D) *South Dock East Entrance Bridge.*

A new bridge with approaches across the entrance from the Blackwall Reach of the River Thames into the South Dock Basin of the West India Docks on the site of the existing swing bridge over the said entrance :

And the Council may remove the said existing swing bridges and the footbridge now existing across the entrance from the said Blackwall Reach to the Blackwall Basin hereinbefore described.

NEW STREET FROM EVELYN STREET TO CREEK ROAD (DEPTFORD).

The Council may make a new street between Evelyn Street and Creek Road Deptford in the parishes of Saint Paul Deptford and Saint Nicholas Deptford commencing in the said parish of Saint Paul Deptford at the junction of Evelyn Street with New King Street and terminating in Creek Road :

Provided that the said new street shall not be commenced without the consent of the Board of Works for the Greenwich District under their common seal.

WIDENING OF SAINT GEORGE'S PLACE KNIGHTSBRIDGE.

The Council may widen the Knightsbridge Road on the southern side thereof at Saint George's Place between Wilton Place and

William Street opposite Albert Gate partly in the parish of Saint George Hanover Square and partly in the parish of Saint Margaret Westminster.

WIDENING OF FULHAM PALACE ROAD AND QUEEN STREET HAMMERSMITH.

The Council may widen and improve Fulham Palace Road and Queen Street opposite Saint Paul's Church in the parish of Saint Peter and Saint Paul Hammersmith.

WIDENING OF FORTRESS ROAD KENTISH TOWN.

The Council may widen Fortress Road Kentish Town on the east side thereof commencing on the north at the entrance to Fortress Grove and Fortress Mews and terminating on the south in the Kentish Town Road at or near the junction of Fortress Road with Highgate Road and may widen and improve the western end of Falkland Road or Blandford Place where they join Fortress Road and may continue Falkland Road into Fortress Road in the parish of Saint Pancras.

5. [*Power to the Council to take lands shown on deposited plans. Spent.*]

6. Subject to the provisions of this Act the Council may purchase and take for the purposes of the Metropolitan Fire Brigade Acts the lands hereinafter described so far as they are delineated on the deposited plans and described in the deposited book of reference viz. :—

Certain land in the parish of Lambeth consisting of the site of the fire brigade station of the Council and also other property on the east side of Renfrew Road between the said fire brigade station and the houses fronting Lower Kennington Lane ; but nothing in this Act or on the deposited plans or book of reference shall be deemed to authorise any interference with the carriage-way or footway of Renfrew Road.

7—15. [*Acquisition of easements—Errors in plans—Power to the Council to enter and survey property to be taken—As to taking parts only of certain properties—As to arbitration—Power to stop up ways during works, to interfere with the Thames and to erect temporary bridges, to raise or lower streets, and to deviate. Spent.*]

16. [*Power to stop up and appropriate sites of streets, etc., to divert drains or sewers on providing proper substitutes—Vesting the soil of streets, etc., stopped up and of altered drains and sewers in the Council—Substituted sewers and drains to be under the same management as existing sewers and drains.*]

17—18. [*Alteration of water, gas, and other pipes—Laying out of carriage-ways. Spent.*]

19. [*As to laying of pavements—Repair of street and the pavement to be undertaken by the authority in whom the repair of the street is vested or by other parties liable to repair the same.*]

20. [*Power to fill up sewers and drains—Substituted sewers and drains to be provided and when made to be under the same management as existing sewers and drains.*]

21—24. [*Power to alter steps, areas, pipes, etc., to occupy lands temporarily—Periods for compulsory purchase of lands, and for completion of improvements limited to 3 and 5 years respectively*

(extended till 5th August 1904 by 57 & 58 Vict. c. clxxxvi. s. 43 ; 62 & 63 Vict. c. ccxxxvii. s. 31 ; and 2 Edw. 7. c. clxxiii. s. 40.)
Spent.]

25. [*The improvements to become public streets—The soil thereunder to be vested in the Council, but the streets to be maintained by the authority having the management of other streets in the district.*]

26. It shall not be lawful for any corporation company or person to break up or interfere with any of the said new bridges for laying down any gas water or other main or pipe or other work except with the consent in writing of the Council or of the authority or authorities in whom the said bridge may be vested.

Protecting
bridges from
being broken
up.

Nothing in this section shall be deemed to render any such consent as aforesaid necessary to the exercise by Her Majesty's Postmaster-General of the powers and rights conferred upon him by section 6 of the Telegraph Act 1878. [*See ss. 42 and 43.*]

27. [*Power to the Council to sell materials. Spent.*]

28. The Council may when and as they shall think fit so to do demise and lease any lands acquired by them under this Act and not required for the improvements or such parts thereof as the Council shall think it expedient to let on building leases either altogether or in parcels to any person or persons who shall erect and build or covenant and agree to erect and build thereon or on any part thereof houses erections or buildings of such size or class of building and upon such plan and elevation and of such height and with such storeys as the Council shall think proper for such term or number of years as they may think fit so as there be reserved in every such demise or lease such peppercorn or other yearly rent to be incident to the immediate reversion of the premises therein comprised as to the Council shall seem reasonable and so that in every such demise or lease there be contained a covenant for the payment of the rent thereby to be reserved and such other covenants on the part of the tenant or lessee to be therein named as the Council shall reasonably be advised or require and also a clause in the nature of a condition of re-entry on nonpayment of the rent thereby to be reserved or on non-observance or non-performance of the covenants therein to be contained on the part of the tenant or lessee to be observed and performed and every such tenant or lessee shall give such good and sufficient security for the erecting finishing and completing of every such house erection and building which he shall covenant or agree to erect within the time in which he shall have contracted to finish the same as the Council shall order and direct and the Council may if they think fit accept and take any fine for the granting of any lease and may enter into any agreement for the granting of any lease of such lands or such parts thereof and may in any such lease or agreement for a lease give to the lessee or intended lessee an option or right to purchase the fee simple in reversion in the premises leased or agreed to be leased together with all houses erections or buildings thereon at the time of the exercise of such option at such time and on such terms and conditions as they may think fit and on granting leases in pursuance of such agreements may alter the amount of the rents agreed to be reserved in such leases and may apportion the same and grant separate leases of any part of the hereditaments by any such agreement agreed to be leased as the Council think fit and may also alter or rescind any agreement as aforesaid and may accept any surrender of any lease

Power to
lease surplus
lands.

in all respects as the Council shall think fit and any part of the said lands may be appropriated for and left as yards or courts to be attached to any houses agreed to be leased as the Council shall think fit.

As to sale of
ground rents.

29. Subject to the provisions of this Act the Council may sell and dispose of or cause to be sold and disposed of the ground rents to be reserved by the leases or demises or agreed to be reserved by any agreements for leases of any lands made under the authority of this Act and also the fee simple in reversion in such lands and in the houses erections or buildings thereon either altogether or in parcels by public auction or by private contract for such price or prices or sum or sums of money as the Council shall think reasonable and subject to such stipulations and provisions for the enjoyment thereof and as to the nature of the buildings which are to be at all times erected and built thereon and also subject to such stipulations as to the title to be produced to the hereditaments to be sold as the Council shall think fit and as regards any stipulations or provisions which may be contained in any conveyance under this enactment the same may at all times thereafter be enforced by the Council by re-entry on such lands on breach of any such stipulation or provision or otherwise in such manner in all respects as the Council shall think fit.

Council may
sell land in
the first
instance
without
having
previously
granted a
lease thereof.

30. Subject to the provisions of this Act the Council may if they think it expedient so to do sell and dispose of in the manner hereinbefore directed all or any lands acquired under the powers of this Act and not required for the improvements without having previously granted or agreed to grant any lease thereof for such price or prices or sum or sums of money as the Council shall think reasonable and subject to such stipulations and provisions for the enjoyment thereof and as to the nature of the buildings which are to be at all times erected and built thereon and also subject to such stipulations as to the title to be produced to the hereditaments to be sold as the Council shall think fit and as regards any stipulations or provisions which may be contained in any conveyance under this enactment the same may at all times thereafter be enforced by the Council by re-entry on such lands on breach of any such stipulation or provision or otherwise in such manner in all respects as the Council shall think fit.

Council may
let or
exchange
lands.

31. The Council may from time to time let either from year to year or for a less period or for a term at rack rent or exchange or otherwise dispose of any building or lands or any part thereof acquired by them under the powers of this Act for the improvements and not required for the improvements and may execute and do any deed act or thing proper for effectuating any such lease exchange or other disposition.

Council to
dispose of
lands not
wanted.

32. Subject to the provisions of this Act the Council shall on or before the first day of September in the year one thousand nine hundred and forty-nine which period shall be the prescribed period for the purposes of section 127 of the Lands Clauses Consolidation Act 1845 sell and dispose of all lands acquired by them under the powers of this Act and which shall not be required for any of the purposes of this Act. [*See also 53 & 54 Vict. c. 41, s. 24.*]

Receipts of
Council to be
effectual
discharges.

33. The receipt of the Council or of any person duly authorised by the Council for any purchase money rent or money payable to the Council by virtue of this Act shall be a sufficient and effectual

discharge for the money in such receipt expressed or acknowledged to be received and the person to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received.

34. The Council may subject to the provisions of this Act from time to time enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of any of the improvements with respect to the sale by the Council to such person of any lands or property (including any street or thoroughfare or any part of a street or thoroughfare appropriated by the Council under the powers of this Act and not required for such improvement) for such consideration as may be agreed upon between the Council and such person and the Council may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or other property required by the Council for the purposes of this Act.

Power to Council to make agreements with owners of property etc.

35. *[As to rehousing labouring class persons displaced. Spent.]*

36. *[Confirming an agreement of 4th December 1890 as set out in the 2nd Schedule for the purchase of the approach on the West Ham side of Barking Road Bridge. For the purposes of the approach on the West Ham side of the Barking Road Bridge which is under the said agreement to be constructed by the West Ham Corporation, this part of the Act as to purchase of land and works to have effect as if the Corporation were named therein instead of the Council. Spent.]*

37. From and after the completion of the Barking Road Bridge and the approaches thereto by this Act authorised the same shall be respectively maintained repaired paved cleansed and lighted in the same manner and by the same authority as the existing bridge and the existing approaches thereto respectively for which the new bridge and approaches are substituted.

Subsequent maintenance and lighting of bridge and approaches.

38. *[Borrowing powers for West Ham Corporation.]*

39. *[Confirming an agreement (hereinafter referred to as "the Isle of Dogs Bridges agreement") of the 12th March 1891 as set out in the 3rd Schedule. Spent.]*

40. *[Recital of 39 Geo. 3, c. lxix., 1 & 2 Wm. 4, c. lii., 1 Vict. c. ix., and that the Isle of Dogs bridges were constructed subject to 39 Geo. 3, c. lxix. s. 63, and 1 & 2 Wm. 4, c. 52, s. 54, copies of which sections are set out in the 4th Schedule; and recital of ss. 4 and 31 of the London and St. Katharine and East and West India Docks Act 1888 and of the constitution of the London and India Docks Joint Committee* (in the section referred to as the Docks Joint Committee) by such Act.]* Be it therefore enacted that subject to the provisions of the Isle of Dogs Bridges Agreement and after the completion of each of the several bridges in the Isle of Dogs and the approaches thereto respectively by this Act authorised such bridge shall vest in the East and West India Dock Company† for the same estate and interest as the existing bridge for which it is substituted and shall

* The London and St. Katharine's Dock Company and the East and West India Dock Company were amalgamated, and this Committee dissolved by the London and India Docks (Amalgamation) Act 1900.

† The East India Dock Company and the West India Dock Company were amalgamated by the East and West India Docks (Amalgamation) Act 1838.

at all times be properly and efficiently worked by the Docks Joint Committee and shall be kept in good and substantial repair by that Committee under and in accordance with the provisions of section 63 of the Act (Local) of the 39 George III. cap. lxix. and section 54 of the Act (Local) of the 1 and 2 William IV. cap. lii. as if it were a bridge constructed by the said Company under those sections and the approaches thereto on each side respectively shall be maintained repaired paved cleansed and lighted in the same manner and by the same authority as those parts of the approaches to the existing bridges for which the new approaches are substituted Each such bridge shall be kept closed by the Docks Joint Committee for public use as part of the public highway except when they may require to swing the same for the purposes of their business Provided that the use of such bridge for road traffic shall in each case be interrupted for as short a period as is reasonably practicable.

41. [For protection of the North London Railway during works. Spent.]

For the
protection
of the East
London
Waterworks
Company.

42. For the protection of the East London Waterworks Company* (hereinafter called "the Water Company") the following provisions shall have effect namely :—

- (2) The Water Company shall at all times have the same rights of laying their mains pipes and apparatus in and upon any of the approaches piers and abutments respectively of the Barking Road Bridge and of the said new Isle of Dogs Bridges as they now have in and upon the approaches piers and abutments respectively of the existing bridges for which such new bridges are substituted and nothing in this Act contained shall limit or affect such rights.

[Part omitted (provisions applying during works) spent.]

For the
protection of
the Gas Light
and Coke
Company.

43.

- (5) Nothing in this Act shall alter or affect the said Company's † existing powers or rights with respect to the East India Dock and Barking Roads respectively as such roads now are or will be after the alterations authorised by this Act are carried out.

[Parts omitted (provisions applying during works) spent.]

44. [For the protection of the Great Eastern Railway Company during works and as to compensation. Spent.]

For the
protection of
the Lee
Conservancy
Board.

45. For the protection of the Lee Conservancy Board (hereinafter called "the Lee Board") the following provisions shall have effect :—

All works whether of a permanent or temporary character constructed under the powers of this Act over the Bow Creek shall be constructed and maintained to the reasonable satisfaction and approval of the Lee Board.

[Part omitted (as to construction of bridge) spent.]

46. [Power for the Council to make agreements with the Hammersmith Vestry as to the Fulham Palace Road and Queen Street, Hammersmith, improvements. Spent.]

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.
† I.e., the Gas Light & Coke Company.

47—48. [*Extension till 6th August 1892 of the time for the purchase of lands for so much of the street improvement from Gray's Inn Road to St. John's Street Road authorised by 48 & 49 Vict. c. clxvii., 51 & 52 Vict. c. clvi., and 52 & 53 Vict. c. cxlvii. as extends from Farringdon Road to St. John's Street Road.*]

49. [*Saving the rights of the Duchy of Cornwall.*]

PART II.

OPEN SPACES PARKS ETC.

50. The piece of ground coloured blue on that sheet of the deposited plans which is headed "Plumstead Common" and which is situate on the northern side of Plumstead Common and adjoining Old Mill Road shall be by virtue of this Act severed from the said Common and thrown into and form the site of the said Old Mill Road or the continuation thereof as shown on the said plan.

Exchange
of land at
Plumstead
Common.

The two pieces of ground on the northern side of the said Common adjoining the last-mentioned piece of ground and coloured pink on the said plan shall for all the estate and interest therein of the Provost and Fellows of Queen's College Oxford be added to and become part of Plumstead Common and the northern boundary of the said Common between the said Common and Old Mill Road or the continuation thereof shall be in the line marked as "intended fence" on the said plan. [*See 41 & 42 Vict. c. cxlv., and 5 Edw. 7, c. ccvi. s. 36.*]

51. The Council may purchase and acquire by agreement and hold the lands in the parish of Camberwell adjoining Peckham Rye Common as shown on the deposited plans and thereon edged pink Provided that such contributions are made by the Charity Commissioners the Vestry of Camberwell and so far as may be necessary by other vestries or persons towards the money required for the purchase and acquisition of the said lands that the sum required to be provided by the Council to complete the purchase shall not exceed eighteen thousand pounds.

Addition to
Peckham
Rye
Common.

The Council may purchase the said lands subject to any existing leases of the same or any part thereof and shall be entitled to receive the rents derivable under such leases during the continuance thereof.

The Council may immediately after the completion of the purchase grant to the owners of that part of the said land which is coloured blue on a plan signed by Stephen Williamson the chairman of the committee of the House of Commons to whom the Bill for this Act was referred of which plan a copy has been deposited in the Private Bill Office of the House of Commons and which comprises 13 acres and 14 poles or thereabouts a lease thereof for the lives of themselves and the survivor at a rent of four hundred and fifty-eight pounds per annum which lease shall contain provisions that it shall be determinable at the option of the lessees or the survivor at the expiration of the seventh or any subsequent year after the granting thereof on the lessees or the survivor giving six months previous notice to the Council The lease may contain such covenants and conditions on the part of the lessees as shall be agreed between the Council and the lessees or lessee.

As from the time when the Council obtain possession of the said lands respectively they shall hold the same and every part thereof as a public park garden open space or recreation ground as they

may think fit and they may lay out maintain and manage the same in trust for the perpetual use thereof by the public for exercise and recreation and may erect any enclosures or buildings thereon as may in their opinion be expedient with a view to the public enjoyment thereof and may also exercise with respect thereto any of the powers of the Metropolitan Open Spaces Act 1877 and the Acts amending the same as if the said lands were an open space or pleasure ground within the meaning of those Acts.

[*Part omitted (as to stamping of conveyances) spent. See also 50 & 51 Vict. c. cvi. s. 50, and 58 & 59 Vict. c. cxxvii. s. 45.*]

As to land at
Charlton.

52. Notwithstanding anything in the Mortmain and Charitable Uses Act 1888 or any other Act to the contrary the piece of land in the parish of Charlton described in the Fifth Schedule to this Act shall as from the passing of this Act vest and remain vested in the Council for all the estate and interest therein of Sir Spencer Maryon Maryon-Wilson Baronet and the Council shall hold the same and every part thereof in trust for the perpetual use thereof by the public for exercise and recreation and may exercise with respect thereto any of the powers of the Metropolitan Open Spaces Act 1877 and the Acts amending the same as if the said piece of land were an open space or pleasure ground within the meaning of those Acts.

Provisions as
to Bostall
Woods.

53.—(1) It shall be lawful for the Council to enter into and carry into effect any agreement for the purchase of a piece of land known as Bostall Woods adjoining Bostall Heath in the parish of Plumstead.

(2) As from the time when the Council obtain possession of the said piece of land they shall hold the same and every part thereof and maintain and manage the same for the perpetual use thereof by the public for exercise and recreation and they may erect any enclosures or buildings thereon as may in their opinion be expedient with a view to the public enjoyment thereof and may also exercise with respect thereto any of the powers of the Metropolitan Open Spaces Act 1877 and the Acts amending the same as if the said lands were an open space or pleasure ground within the meaning of those Acts.

[*Part omitted (as to stamping conveyances) spent. See also 50 & 51 Vict. c. cvi. s. 50, and 58 & 59 Vict. c. cxxvii. s. 45.*]

54. [*The conveyance of Brockwell Park to the Council not to be invalidated in the event of the bankruptcy of J. J. B. Blackburn within 10 years after 22nd December 1888. Spent. See 53 & 54 Vict. c. cexliii. s. 4.*]

55. [*Repeal of s. 8 of the Raleigh Park (Brixton) Act 1888.**]

56. [*Power to East Ham Local Board to contribute £500 towards the purchase by the Council of North Woolwich Gardens. Spent. See also 53 & 54 Vict. c. cexliii. s. 10.*]

As to
byelaws.

57. Any of the lands referred to in this Part of this Act which may be acquired by the Council shall be deemed to be included among the parks gardens and open spaces to which the provisions of the London Council (General Powers) Act 1890 with respect to byelaws (parks and open spaces) are applicable. [*See also 61 & 62 Vict. c. cxxxi. s. 61.*]

* The powers of this Act have not been exercised.

PART III.

CONTRIBUTIONS.

58—59. [*As to contributions by local authorities to various purposes of Act. Spent.*]

PART IV.

SUPERANNUATION ETC.

60. The Council shall have and from the twenty-first day of March one thousand eight hundred and eighty-nine shall be deemed to have had power to grant to any person who shall have been in their employment and formerly in the employment of the Metropolitan Board of Works (in cases where they are doubtful whether such person was an officer in an established capacity within the meaning of the Superannuation Act 1866 or entitled to any superannuation or other allowance under any of the Superannuation Acts) such annual allowance and subject to such provisions as they might have granted to such person if he had been serving in an established capacity as such officer as aforesaid or they may give a gratuity to any such person or the representatives of any such person. This enactment shall be deemed to extend to and include any such person who shall have left the employment of the Metropolitan Board of Works during the year ending on the twenty-first day of March one thousand eight hundred and eighty-nine and shall not have had any superannuation allowance or gratuity granted to him by the said Board.

Special allowances.

Nothing in this enactment shall be construed as binding the Council to grant any such allowance or gratuity.

61. A grant of an allowance or gratuity under the last preceding section of this Act shall be charged on and paid out of the fund or funds on which the salary wages or emoluments of the person to whom the same is granted would have been charged or paid if he had continued in his office service or employment.

How special allowance shall be charged.

62.—(1) It shall be lawful for the Council to establish in manner hereinafter provided a superannuation and provident fund for the provision of payments or other allowances on death superannuation resignation retirement or discharge to persons who have been taken into the employment of the Council since the twenty-first day of March one thousand eight hundred and eighty-nine :

Superannuation and provident fund.

Provided that the Council if they so resolve may so frame the scheme or schemes hereinafter mentioned as to authorise the admission to the benefits thereof of the officers and men of the Metropolitan Fire Brigade and their wives and families and persons employed by any committee of the Council and persons employed jointly by the Council and any other authority or person and persons who having been transferred to the service of the Council under the Local Government Act 1888 are not entitled to superannuation allowances under the Superannuation Act 1866.

(2) The Council may prepare and approve by resolution a scheme or schemes for the establishment of such fund and may determine in and by any such scheme the following matters and things or any of them (that is to say) :—

What classes of persons shall be entitled to contribute to and participate in the benefit of the fund and to what extent such contribution shall be payable by persons entering or who shall

- have entered the service of the Council after the twenty-first day of March one thousand eight hundred and eighty-nine;
- The division of the persons contributing to and to be benefited by the fund into two or more classes according to the amount of salary or according to such other conditions as the Council shall determine power being reserved by the scheme to remove any contributor from the one class to the other Provided that no such removal shall place the contributor or his representatives in a worse position than he would have occupied if the removal had not been made;
- What (if anything) shall disqualify any person in the employ of the Council from becoming a contributor to the fund and participating in the benefits thereof;
- Under what circumstances any person having been a contributor to the fund shall cease to continue a contributor and to be entitled to participate in the benefits thereof;
- What proportion (if any) of his own contributions to the fund any person having been but voluntarily ceasing to be a contributor thereto shall be entitled to receive;
- What proportion (if any) of the additions made by the Council to the fund in respect of the contributions of any member shall be payable to the representatives of such member in the event of his dying before he becomes entitled to any benefit under the scheme on superannuation resignation or retirement;
- The percentage or proportion of their salaries or wages which shall be payable to the fund by the contributors;
- The age at which or other circumstances in which a person shall become entitled to benefit under any scheme;
- The payment to a person entitled to benefit under any scheme either by way of a gross sum or by way of an annuity instead of such gross sum calculated at such rate of interest as may be defined by the scheme;
- The rate at which interest whether simple or compound shall be calculated in respect of the moneys contributed to the fund by the contributors and by the Council respectively;
- The future management and direction of the fund and the number of and mode of appointment of the committee for administering and managing the same and the powers to be conferred upon the committee with respect to such administration and management and whether any and if so what persons other than members of the Council should form part of or be associated with the said committee for the purposes of the administration and management of the fund;
- The securities upon which the moneys received on account of the fund shall from time to time be invested;
- And generally all such other matters and things in relation to the fund as the committee appointed by this Act shall deem fit and proper to form part of and to be included in such scheme.

Audit.

63. The accounts of the Council under this Part of this Act shall be audited in the same manner as other accounts of the Council.

Forfeiture
of rights
under
scheme in
certain
cases.

64. Any scheme under this Part of this Act shall contain the following provisions:—

Any contributing member leaving the service of the Council in consequence of reductions or alterations in the establishment

or from his services being discontinued from any cause other than fraud or dishonesty or misconduct which involves pecuniary loss to the Council shall be entitled to receive back the whole amount of his own contributions with such interest as shall have accrued thereon under the scheme and shall have no further claim upon the fund ;

Any contributing member retiring from the service of the Council before superannuation *bonâ fide* of his own accord and not to escape dismissal for fraud or dishonesty or misconduct which involves pecuniary loss to the Council shall be entitled to receive back the whole amount of his own contributions to the fund with interest as aforesaid and shall have no further claim on the fund ;

The representatives of any contributing member who (not having been guilty of fraud or dishonesty or misconduct which involves pecuniary loss to the Council) shall die before he becomes entitled to any benefit under the scheme on resignation or retirement shall be entitled to receive back the whole contributions of such member with interest as aforesaid and shall have no further claim upon the fund ;

Any contributing member dismissed the service of the Council for fraud or dishonesty or misconduct which involves pecuniary loss to the Council shall at the discretion of the Council forfeit all or any part of his contributions and lose all benefits from the fund except such return (if any) as may at such discretion be made to him out of his own contributions.

[See also 55 & 56 *Vict. c. cccxxviii. s. 41.*]

65. The Council shall supply a copy of any scheme in force under this Part of this Act at a price not exceeding sixpence to any person in the employ of the Council interested in the fund or the representatives of any such officer or servant in case of death and shall supply gratuitously to every officer or servant or other person having an interest in the fund a copy of the last annual balance-sheet of the same for the time being. Copies of scheme to be supplied.

66.—(1) The Council shall at the end of each and every half year after the establishment of the superannuation fund contribute thereto a sum equal in amount to the sum which during the same half year has been contributed thereto by the persons in the employ of the Council : Council to contribute to fund.

(2) In the event of the moneys standing to the credit of the fund being at any time inadequate for the payment to contributing members of the sums to which they will be entitled under the provisions of the scheme the amount of any deficiency shall from time to time be made good by the Council :

(3) The Council may also pay any salaries costs and expenses of the management and administration of the fund and of and incidental to investments :

(4) All such sums shall be paid as payments for general county purposes within the meaning of the Local Government Act 1888 :

Provided that where the whole or any part of the salary or wages of any contributor to the fund is not payable as a payment for general county purposes the contributions to be made by the Council in respect of such contributing member and any deficiency or costs attendant thereon shall be defrayed out of the same fund or rate as the salary or wages of the contributing member.

Contracts with
assurance
society.

67. It shall be lawful for the Council from time to time to enter into and carry into effect any contract with any company carrying on the business of life assurance or provident fund for the undertaking by such company of the liabilities of the Council under any scheme or schemes made under this Part of this Act or any of them.

Alteration
of scheme.

68. It shall be lawful for the Council from time to time on the recommendation of the committee but subject to the provisions of this Act to alter any portion of any scheme. But no contributor nor the representatives of any contributor shall by reason of any such alteration be placed in any worse position than if the alteration had not been made.

Superannua-
tion Acts
not to apply
to certain
persons.
Saving
rights.

69.—(1) No person appointed or to be appointed to any employment since the twenty-first day of March one thousand eight hundred and eighty-nine who shall have agreed to accept the terms of the recited resolution of the Council of the second day of April one thousand eight hundred and eighty-nine shall be entitled to any superannuation or other allowance under any of the Superannuation Acts but except as aforesaid nothing in this Act shall in any way prejudice or affect any right or claim under any of the Superannuation Acts of any person who at the passing of this Act may be in the employment of the Council.

(2) Nothing in the Act shall enable the Council by any scheme to compel to contribute to the fund any persons hereafter appointed to any such employment for whom any provision can be made by way of superannuation pension or gratuity under the Fire Brigade Act 1865 the Lunnacy Act 1890 or the Middlesex Industrial Schools Acts.

PART V.

MARKET INQUIRIES.

Inquiries as
to markets.

70. It shall be lawful for the Council from time to time to prosecute and conduct inquiries and negotiations relative to such existing markets and market rights as are not the property of or under the control of the mayor aldermen and commons of the City of London and the expediency of establishing new markets in or near the administrative county of London and any matters relative or incidental thereto and to pay out of the county fund the costs and expenses of such inquiries not exceeding one thousand pounds.

PART VI.

COSTS.

As to pay-
ments under
this Act.

71. [*As to costs of the Local Government Board under this Act. Spent.*]

72. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (expenses of obtaining Act) spent.*]

SCHEDULES.

FIRST SCHEDULE. [*Description of properties of which parts only may be taken by the Council and the West Ham Corporation. Spent.*]

SECOND SCHEDULE. [*Agreement of the 4th December 1890 between the Council of the one part and the West Ham Corporation of the other part with reference to the construction of the new bridge across Bow Creek and the construction of the bridge roads thereto, and providing that the West Ham Corporation shall pay one half or £20,000, whichever shall be the less, of the cost of the removal of the old and the construction of the new bridge, including the cost of acquisition of land; and that the cost of the bridge on the London side shall be borne by the Council and the cost on the West Ham side by the Corporation. Spent.*]

THIRD SCHEDULE. [*Agreement of the 12th March 1891 between the Council of the first part and the London and India Docks Joint Committee of the second part and the East and West India Dock Company of the third part with reference to the construction of the Isle of Dogs Bridges Approaches. Spent.*]

THE FOURTH SCHEDULE.

(Section 63 of the Act of 39 Geo. III. cap. lxi.*)

And whereas it may be necessary and expedient for the convenience and accom- Power to the
modation of the public to make and build draw bridges or swivel bridges over directors to
some of the cuts to be made by the said directors by virtue of this Act for carriages make and
horses and passengers and to level raise or lower roads grounds or avenues lead- maintain
ing thereto be it therefore further enacted that it shall be lawful for the said draw and
directors and they are hereby directed and required on making the said cuts to swivel
make and build such good and substantial draw bridges and swivel bridges for bridges.
carriages and passengers over the said intended cuts or any of them and at such
places as they shall deem necessary and for ever to keep the same in good and
substantial repair and to raise level or sink the highways adjoining to the said
bridges and to fence the same with rails posts or banks where necessary or
required by the surveyors of the highways And the said Company and their
successors shall be liable to be indicted for not making and keeping at all times
in substantial repair the said draw bridges and swivel bridges so to be made and
maintained and shall be further liable to pay the costs of every such prosecution
upon convictions in case it shall be proved upon oath that the surveyors of the
highways shall have made a requisition in writing for such repairs thirty days
previous to the commencement of such prosecution.

(Section 54 of the Act of 1 & 2 William IV. cap. lii.)

And whereas it may be necessary and expedient for the convenience and Power to the
accommodation of the public to make and build draw bridges or swivel directors to
bridges over some of the cuts made or to be made by the said Company make and
by virtue of the said recited Acts or this Act for carriages horses and maintain
and passengers and to level raise or lower roads grounds or avenues leading draw and
thereto be it therefore further enacted that it shall be lawful for the said swivel
Company and they are hereby directed and required to make and build bridges.
such good and substantial draw bridges and swivel bridges for carriages and
passengers over the said cuts or any of them and at such places as they shall
deem necessary and for ever keep the same in good and substantial repair and to
raise level or sink the highways adjoining to the said bridges and to fence the
same with rails posts or banks where necessary or required by the surveyors of
the highways and the said Company and their successors shall be liable to be
indicted for not making and keeping at all times in substantial repair the said
draw bridges and swivel bridges so to be made and maintained and shall be
further liable to pay the costs of every such prosecution upon conviction in case
it shall be proved upon oath that the surveyors of the highways shall have
made a requisition in writing for such repairs thirty days previous to the
commencement of such prosecution.

* This Act was repealed "so far as the same was immediately before the passing of this Act capable of being executed by the Conservators" by the Thames Conservancy Act 1894. (See Appendix.)

THE FIFTH SCHEDULE.

DESCRIPTION OF LAND PRESENTED BY SIR SPENCER MARYON MARYON-WILSON
BARONET REFERRED TO IN THIS ACT.

A piece or parcel of land situate in the parish of Charlton in the county of Kent* and containing 11 acres or thereabouts and bounded on the north in part by the South-eastern Railway and land of or reputed to belong to Sir Spencer Maryon Maryon-Wilson adjoining thereto and in the other part by land in the rear of houses in Charlotte Street Lower Road on the south by land in the rear of houses in Upper Woodland Terrace on the east by Mount Street and on the west by other hereditaments belonging or reputed to belong to Sir Spencer Maryon Maryon-Wilson forming part of the land known as Hanging Wood.

55 & 56 VICTORIA. A.D 1892.

CHAPTER CCXXXVII.

AN ACT TO REGULATE THE EXPENDITURE AND RAISING OF MONEY
BY THE LONDON COUNTY COUNCIL ON CAPITAL ACCOUNT
DURING THE CURRENT FINANCIAL PERIOD. [28th June 1892.]

[*Preamble recites (inter alia) 54 and 55 Vict. c. 62 (in this Act referred to as "the Act of 1891").*]

Preliminary.

Short title.

1. This Act may be cited for all purposes as the London County Council (Money) Act 1892 and the London County Council (Money) Acts 1875 to 1891 and this Act may be cited together as the London County Council (Money) Acts 1875 to 1892.

Construction
of Act.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts 1869 to 1871 and the London County Council (Money) Acts 1875 to 1891 but all consolidated stock created by the Council shall be charged on the county rate in substitution for the consolidated rate.

Interpreta-
tion.

3. In and for the purposes of this Act—

The expression "the Council" shall mean the London County Council;

The expression "the financial year" shall mean the period from the first day of April one thousand eight hundred and ninety-two to the thirty-first day of March one thousand eight hundred and ninety-three both dates inclusive;

The expression "the following six months" shall mean the period from the first day of April one thousand eight hundred and ninety-three to the thirtieth day of September one thousand eight hundred and ninety-three both dates inclusive;

The expression "the financial period" shall mean the current financial year of the Council and the following six months.

[*Part omitted (definition of "Main Drainage Acts") spent.*]

4—6. [*Power to the Council during the financial period to expend money for sundry purposes. Spent.*]

*Loans to Public Bodies.*Power to lend
to vestries
district
boards cor-
porations

7.

(iv.) Money borrowed from and lent by the Council under this section shall be repaid to the Council with interest within such

* Now the County of London. See 51 & 52 Vict. c. 41, s. 40 (2).

time after the borrowing as the borrowers with the consent of the Local Government Board or the Treasury as the case may be where such consent is necessary to the borrowing and the Council with the approval of the Treasury shall agree. Provided that the time after the borrowing within which such money shall be repaid to the Council shall not exceed in the case of a loan for the purpose of improvements in relation to streets or bridges or for the purpose of purchase of land in fee simple sixty years for electric lighting purposes fifty years and for any other purpose thirty years.

[Part omitted (power to the Council during the financial period to lend to vestries, district boards, and other public bodies in London) spent.]

8. [Power to the Council to lend to boards of guardians in London. Spent.—Provision as to repayment within a period not exceeding 30 years. Identical with such provision in 54 & 55 Vict. c. 62, s. 9.]

9. [Power to the Council during the financial period to lend to the Managers of the Metropolitan Asylum District. Spent.]

10. [Power to the Council during the financial period to lend to the School Board for London. Spent.—Provision as to repayment within a period not exceeding 50 years. Superseded 2 Edw. 7, c. 42, s. 5, and 2nd Schedule; and 3 Edw. 7, c. 24. See also the Public Works Loans Act 1905, s. 3. (See Appendix.)]

11. [Protection of the Council in case of certain loans. Identical with 54 & 55 Vict. c. 62, s. 13.]

Creation of Stock : Redemption : Borrowing.

12. In order to raise the money for the several purposes for which the Council are by this Act authorised to expend or lend money the Council may from time to time create consolidated stock and the following provisions shall have effect :—

Power to raise consolidated stock.

(i.) Where the Council under the authority of this Act create consolidated stock to raise money to enable them to make a loan repayable within a period not exceeding thirty years from the date of such loan the Council shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve as being in their opinion sufficient to redeem within the period of thirty years from the date of the creation of such stock or within any less period for which any such loan may be made an amount of consolidated stock equal to that so created ;

(ii.) Where the Council under the authority of this Act create consolidated stock to raise money for the purpose of the Fire Brigade Act 1865 the Council shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve as being in their opinion sufficient to redeem within the period of thirty years from the date of the creation of such stock or within any less period for which any such loan may be made an amount of consolidated stock equal to that so created ;

(vii.) Where the Council create consolidated stock for the purpose of any scheme made by the Metropolitan Board of Works or the Council under the Housing of the Working Classes Act 1890 or any enactments repealed by that Act all money required for payment of dividends on and the

redemption of all consolidated stock created for such purpose shall be charged to the special county account to which the expenditure for the purposes of the said Acts is chargeable.

[*Parts omitted identical with 54 & 55 Vict. c. 62, s. 14 (ii.), (iii.), (iv.), (v.), and (vii.).*]

13. [*Power to the Council within 12 months after the issue of stock to apply money raised by stock to make up dividends from fixed dates. Spent.*]

14. [*The provisions of 54 & 55 Vict. c. 62, ss. 16—20, to apply to the purposes of this Act. Spent.*]

Miscellaneous.

15. [*The limitation of power of borrowing in s. 38 of 32 & 33 Vict. c. 102 not to extend to money raised under this Act. Spent.*]

16. [*Limit to the exercise of borrowing powers by the Council during the financial period. Spent.*]

17. [*Incorporation of ss. 27—43 of 48 & 49 Vict. c. 50. Identical with 52 & 53 Vict. c. 61, s. 26.*]

Costs.

As to pay-
ments under
this Act.

18. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (expenses of obtaining this Act). spent.*]

THE SCHEDULE. [*Particulars of purposes for which moneys may be raised under this Act, and of the sums authorised to be raised for such purposes. Spent.*]

CHAPTER CCXXXVIII.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO MAKE A STREET IMPROVEMENT AT SANDY'S ROW SPITALFIELDS TO ACQUIRE AND MANAGE LAND FOR VARIOUS PURPOSES IN THE ADMINISTRATIVE COUNTY OF LONDON TO EXTEND THE TIME FOR PURCHASE OF LAND FOR THE THAMES TUNNEL (BLACKWALL) AND FOR OTHER PURPOSES. [28th June 1892.]

[*Preamble recites (inter alia) 15 & 16 Vict. c. 85 ; 44 & 45 Vict. c. 34 ; 45 & 46 Vict. c. lvi. ; 50 & 51 Vict. cc. 32 and clxxii. ; 51 & 52 Vict. c. lvii.*]

PART I.

INTRODUCTORY.

- Short title.
- Interpreta-
tion of terms.
1. This Act may be cited as the London County Council (General Powers) Act 1892.
2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :—
“The Council” means the London County Council ;

"The improvement" means the widening and improvement of Sandy's Row by this Act authorised;

"Street" has the meaning assigned to that term in the Metropolitan Management Act 1855 and the Acts amending the same.

[Part omitted (definition of "two Justices," "lessee," and as to the meanings of certain words in the Lands Clauses Acts incorporated and in this Act) spent.]

3. *[Incorporation of the Lands Clauses Acts. Spent.]*

PART II.

SANDY'S ROW IMPROVEMENT.

4. Subject to the provisions of this Act in the lines and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the Council may widen and improve Sandy's Row and Middlesex Street partly in the parishes of Saint Mary Whitechapel and Christ Church Spitalfields in the county of London and partly in the parishes of Saint Botolph Without Aldgate and Saint Botolph Without Bishopsgate in the city of London commencing in the parish of Saint Mary Whitechapel at the junction of Wentworth Street with Middlesex Street and terminating in the parish of Saint Botolph Without Bishopsgate in Sandy's Row opposite Catherine Wheel Alley.

Power to Council to make works

5. *[As to continuation of improvement to Bishopsgate Street by the Commissioners of Sewers.]*

6. For the accommodation of Sir Algernon Kerr Butler Osborn Baronet or his sequels in estate (herein called "the owner") the following provisions shall have effect:—

For the protection of Sir Algernon Kerr Butler Osborn Baronet.

The Council shall on the eastern side of Sandy's Row as widened leave or form two openings sufficient for the uninterrupted passage of traffic and to admit of the formation of streets joining Sandy's Row which openings shall unless otherwise agreed between the Council and the owner be in the line of Cobb's Yard and Tripe Yard.

7. *[Power to the Council to take lands for the purposes of the improvement. Spent.]*

8. Subject to the provisions of this Act the Council may purchase and take for the purposes of the Metropolitan Fire Brigade Acts the lands herein-after described so far as they are delineated on the deposited plans and described in the deposited books of reference viz.:—

Purchase of land for Fire Brigade purposes.

Certain lands in the parish of Saint James and Saint John Clerkenwell consisting of a house and yard being No. 3 Mount Pleasant and adjacent to the existing fire station and property of the Council at the corner of Mount Pleasant and Farringdon Road.

9—15. *[As to acquisition of easements—Errors in plans—Power to the Council to enter and survey property to be taken—Costs of arbitration—Power to stop up ways during works, to raise or lower streets, and to deviate. Spent.]*

16. *[Powers to the Council to make subsidiary works and to stop up streets and appropriate sites thereof, to alter and interfere with*

drains and sewers after providing proper substitutes—Vesting soil, etc., of streets stopped up in the Council—Substituted drains and sewers to be under the same management as existing drains and sewers.]

17—18. [*Alteration of water, gas, and other pipes—Laying out of carriageways. Spent.*]

19. [*As to laying of pavements and as to the maintenance thereof when laid by the authority liable for the repair of the street or by any other persons liable to maintain the same.*]

20. [*Power to the Council to fill up sewers or drains on providing substituted sewers and drains which are to be under the same management as existing sewers and drains.*]

21—23. [*Power to alter steps, areas, pipes, etc.—Time for compulsory purchase of lands for the improvement and for completion of improvement limited to three and five years respectively. Spent.*]

Improvement
to form a
street.
Repair etc.

24. When the improvement is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the improvement as shall have been laid out for carriageway or footway shall form part of the street and may be used by the public accordingly. The land acquired by the Council for and thrown into the improvement shall be and remain vested in the Council and the maintenance repair paving cleansing and lighting thereof shall be under the care management control and jurisdiction of the authority in whom the management and repair of streets is vested in the same manner as other streets in their district.

25. [*Power to the Council to sell materials. Spent.*]

26—32. [*Power to the Council to lease surplus lands, to sell ground rents, to sell lands without leasing, to let or exchange lands, to dispose of lands not wanted—Receipts of the Council to be effectual discharges—Power to the Council to make agreements with owners of property. Identical with 54 & 55 Vict. c. ccvi. ss. 28—34.*]

33. [*As to rehousing labouring-class persons displaced. Spent.*]

PART III.

THAMES TUNNEL (BLACKWALL).

34—35. [*Extension to 8th August 1894 of the time for compulsory purchase of properties required for the purposes of 50 & 51 Vict. c. clxxii. and 51 & 52 Vict. c. lvii.*]

PART IV.

OPEN SPACES ETC.

Peckham Rye.

36. The Council are hereby empowered to enter into and carry into effect an agreement as to the exchange of certain land at the southern end of Peckham Rye forming part of Peckham Rye Common for certain other land of not less area adjoining Peckham Rye Common and the Council may convey the land given by them free from any public or common rights exercisable thereon and the land conveyed to the Council in exchange shall be held by them as part of Peckham Rye Common.

37. The Victoria Park Cemetery shall be deemed to have been closed for burials within the meaning of section 4 of the Metropolitan Open Spaces Act 1881 and the powers and provisions of that Act and the Open Spaces Act 1887 shall be applicable to such cemetery accordingly. Victoria Park Cemetery.

38. The Council are hereby empowered to purchase or acquire by agreement the pieces of land adjoining the Highgate Road in the parish of Saint Pancras situate on both sides of that road to the northward of the Tottenham and Hampstead Junction Railway where it crosses the said road and lying on the western side of Highgate Road between Grove Farm Lane on the north and Gordon House Road on the south and on the eastern side of Highgate Road between Woodsome Road on the north and the said railway on the south or any of those pieces of land with a view to the pieces of land so acquired being preserved as ornamental or garden ground. The Council and the vestry of the parish of Saint Pancras may enter into and carry into effect agreements for and in relation to the appropriation of any portions of the land so acquired for the improvement and extension of the roads or any part of the roads situate between the said pieces of land and the buildings abutting thereon and as to the provision of any moneys which may be required for any of the purposes of this section. Purchase or acquisition of certain land at Highgate Road.

Any such agreement may provide for the said roads or any of them or any part or parts thereof respectively being taken over by the vestry of the parish* of Saint Pancras for maintenance at the cost of the said parish.

PART V.

BYELAWS (FERRIES AND BRIDGES).

39. The Council may from time to time procure any of their officers or servants to be sworn in as constables for the purpose of enforcing byelaws and regulations made by the Council for the management of ferry boats provided by them and for the control and regulation of persons vehicles and animals resorting to such ferry boats and the pontoons piers or landing-places used for the purposes of such ferry boats. Feries—byelaws. [See also 48 & 49 Vict. c. clxvii. ss. 23 and 57, and 57 & 58 Vict. c. cxxii. ss. 5—7.]

40. The powers of the Council under the Acts relating to the Metropolitan Board of Works to make and from time to time to alter and vary and enforce byelaws with respect to bridges transferred to the Council from the said Board shall extend and apply to all bridges of which the management is vested in the Council under the Local Government Act 1888 and to all bridges belonging partly to the Council and partly to any other county council or other authority. Provided that as regards any bridge belonging partly to the Council and partly to any such other council or authority no such byelaw shall be made without the consent in writing of such other council or authority. Bridges—byelaws. [See 45 Vict. c. lvi. s. 41; 51 & 52 Vict. c. 41, ss. 3 (viii.), 6, and 48.]

PART VI.

SUPERANNUATION.

41. Notwithstanding anything to the contrary contained in section 64 of the London Council (General Powers) Act 1891 the

* Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 21, s. 4.

Council may in any scheme to be prepared and approved by them under Part IV. of the said Act provide (if they think fit) that the representatives of any contributing member who (not having been guilty of fraud or dishonesty or misconduct which involves pecuniary loss to the Council) shall die before he becomes entitled to any benefit under the scheme on resignation or retirement and also any contributing member who shall be incapacitated for the service of the Council by reason of illness shall be entitled to receive from the fund such amounts as may be defined by the scheme out of moneys contributed to the fund by the Council in addition to the contributions made by the contributing member.

No benefit derivable by any contributing member or his representatives from the fund in respect of the contributions by the Council shall (if the Council so provide under such scheme) be assignable by him or chargeable with his debts without the consent in writing of the Council and the Council shall have power from and after any attempt on the part of a contributing member to alienate assign or charge the same or any part thereof without such consent or on the happening of any event whereby the same or some part thereof if belonging absolutely to such contributing member would become vested in or payable to some other person or persons to apply any moneys which may from time to time under such scheme be or become payable to such contributing member out of the contributions by the Council when and as such moneys shall become payable or any part thereof in such manner as the Council may in their absolute discretion think fit for the maintenance support or benefit of such contributing member and his wife family relatives and persons dependent on him or any one or more of them.

PART VII.

FINANCIAL.

42. [Power to the Council to borrow. Superseded by the London County Council (Money) Acts 1893—1905.]

As to pay-
ments under
this Act.

43. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888.
... [Part omitted (as to expenses of obtaining Act) spent.]

56 & 57 VICTORIA. A.D. 1893.

CHAPTER 47.

AN ACT TO AMEND THE PUBLIC HEALTH (LONDON) ACT, 1891,
WITH RESPECT TO THE REMOVAL OF REFUSE.

[12th September 1893.]

[Preamble recites that under 18 & 19 Vict. c. 120 the vestries and district boards of the metropolis were empowered to deal with the removal of street and other refuse; and that provisions were contained in that Act as to borrowing money for the expenses incurred therein; and that by 54 & 55 Vict. c. 76 further powers were conferred with respect to the removal of street and house refuse, but that the effect of the said Act has been to repeal the power of vestries and district boards of borrowing money for some of those purposes.]

1. This Act may be cited as the Public Health (London) Act, 1891, Amendment Act, 1893. Short title.

2. This Act shall be read with and form part of the Public Health (London) Act, 1891, which is in this Act referred to as the "principal Act." Act to be read with principal Act.

3. Notwithstanding anything in the principal Act, expenses incurred or to be incurred by a vestry * or district board * as sanitary authority for and in connexion with the provision of land, wharves, destructors, plant, and equipment for the purposes of collection, removal, and disposal of house and street refuse, shall be and be deemed to have been expenses for the purposes of which a vestry * or district board * may borrow money as expenses incurred by them in the execution of the Metropolis Management Act, 1855. And sections one hundred and eighty-three to one hundred and ninety-one (both included) of that Act shall apply and have effect accordingly. As to expenses in connexion with provision of wharves, destructors, etc.
 [See 54 & 55 Vict. c. 76, s. 105.]

CHAPTER 55.

† AN ACT TO AMEND THE METROPOLIS MANAGEMENT ACTS.

[22nd September 1893.]

[Preamble recites that since the date of 18 & 19 Vict. c. 120 (in this Act called "the principal Act") the increase of the population and rateable value of the parishes of Plumstead and Saint Mary Stoke Newington has been such as to entitle the said parishes to a more complete control and management of their local affairs.]

1. In this Act—

"The Plumstead Vestry" means the vestry of the parish of Plumstead; "the Saint Mary, Stoke Newington, Vestry" means the vestry of the parish of Saint Mary, Stoke Newington; and "the Hackney Vestry" means the vestry of the parish of Hackney as incorporated by this Act.

Interpretation.

"The Plumstead District Board" means the Board of Works for the Plumstead District as constituted by the principal Act; "the Lee District Board" means the Board of Works for the Lee District as it will be constituted by the name of the Board of Works for the Lee District after the twenty-fifth day of March, one thousand eight hundred and ninety-four; "the Hackney District Board" means the Board of Works for the Hackney District as constituted by the principal Act.

2. The principal Act as amended by any subsequent Acts and this Act shall be construed together as one Act. Construction.

3. From and after the twenty-fifth day of March one thousand eight hundred and ninety-four,—

(1.) The parish of Plumstead shall cease to be united with the parishes mentioned in Schedule "B" of the principal Act as forming the Plumstead District, and the Board of Works for the district of Hackney shall be dissolved. Separation of Plumstead from the Plumstead District, and dissolution of the Hackney Board of Works.

(2.) The principal Act shall be read and have effect as if the said parishes of Plumstead, Saint Mary Stoke Newington, and

* Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

† See 62 & 63 Vict. c. 14, ss. 1, 4, and 1st Schedule.

Hackney had been named in Part II. of Schedule "A" of the said Act, and the vestries of the said parishes shall respectively become and be bodies corporate by the several names of the vestry of the parish of Plumstead, the vestry of the parish of Saint Mary Stoke Newington, and the vestry of the parish of Hackney.

(3.) The parishes named in the said Schedule B. (other than the parish of Plumstead) as forming the Plumstead District shall form the Lee District, and the Board of Works for the Plumstead District shall continue to be a body corporate by the name of the Board of Works for the Lee District.

(4.) No person elected a member of the Plumstead District Board by the Plumstead Vestry shall remain a member of the Lee District Board, and the power of the said vestry to elect any member of such district board shall cease as from that date.

Byelaws, etc.
in Plumstead
and Saint
Mary, Stoke
Newington.

4. All byelaws and regulations made by the Plumstead District Board, and subsisting on the twenty-fifth day of March one thousand eight hundred and ninety-four, shall continue in force in the parish of Plumstead and be enforceable in that parish by the Plumstead Vestry instead of by the Plumstead District Board until repealed or altered by the Plumstead Vestry in accordance with the law applicable thereto; and all the byelaws and regulations made by the Hackney District Board, and subsisting on the twenty-fifth day of March one thousand eight hundred and ninety-four, shall continue in force in the parishes of Saint Mary Stoke Newington, and Hackney, and be enforceable by the Saint Mary Stoke Newington Vestry and the Hackney Vestry in their respective parishes instead of by the Hackney District Board until repealed or altered in accordance with the law relating thereto.

5. [*As to apportionment of property, claims, liabilities, and superannuation allowances of the Plumstead District Board. Spent.*]

As to transfer
of officers of
Plumstead
District
Board.

6. Any officers in the service of the Plumstead District Board whose duties are confined solely or mainly to the parish of Plumstead separated therefrom under this Act, or who the said district board at any time previously to the said twenty-fifth day of March one thousand eight hundred and ninety-four shall by resolution declare ought fairly to be transferred to the service of the said Plumstead Vestry, shall be transferred to the service of the said vestry upon the terms and conditions in each case of their appointment under the said district board, and with respect to every such officer, or to any other officer of the said Plumstead District Board who shall within one year from the said day be appointed by the Plumstead Vestry to an office in the service of the Plumstead Vestry, the time during which he shall have been in the service of the Plumstead District Board shall in computing the time of his service for the purpose of superannuation under the Superannuation (Metropolis) Act, 1866, be added to the time during which he shall have been in the service of the Plumstead Vestry; provided that every such resolution for transfer shall state the grounds on which the Plumstead District Board considers that the officer named therein ought fairly to be transferred to the service of the Plumstead Vestry. [*See 62 & 63 Vict. c. 14, s. 30.*]

7—9. [*As to arbitrations between the Plumstead District Board, the Lee District Board, and the Plumstead Vestry—As to apportionment of property, claims, and liabilities of the Hackney Board and arbitration thereon. Spent.*]

10. All Acts conferring powers upon the Plumstead District Board and the Hackney District Board or either of them within their districts or any part of their respective districts shall be read and construed as applicable and enforceable from and after the twenty-fifth day of March one thousand eight hundred and ninety-four by the Plumstead Vestry, the Saint Mary Stoke Newington Vestry, and the Hackney Vestry within their parishes respectively, and by the Lee District Board within the Lee District. . . . [Part omitted (as to pending actions) spent.]

Continuance
of powers,
actions, and
proceedings.

11.—(1.) Every person who at the passing of this Act is an officer of either of the said district boards, and who after the twenty-fifth day of March one thousand eight hundred and ninety-four continues in the service of the Lee District Board or either of the said vestries as an officer thereof, shall in computing the time of his service for the purposes of the Snperannuation (Metropolis) Act, 1866, be deemed to have served continuously from the time of the commencement of his service with the Plumstead or Hackney District Board as the case may be. [See 62 & 63 Vict. c. 14, s. 30.]

Existing
boards'
officers.

[Part omitted (as to compensation for abolition of office, etc., in consequence of Act) spent.]

12. [Provisions as to arbitration. Spent.]

13. [Expenses of obtaining Act. Spent.]

14. This Act may be cited for all purposes as the Metropolis Management (Plumstead and Hackney) Act, 1893.

Short title.

CHAPTER LXVI.

AN ACT TO PROVIDE FOR THE REMOVAL OF OBSTRUCTIONS IN CERTAIN
STREETS OF LONDON.

[9th June 1893.]

[Preamble.]

1. This Act may be cited as the London Streets (Removal of Gates Bars etc.) Act 1893.

Short title.

2. In this Act the expression "the Council" means the London County Council and the expression "the owner" used with reference to a gate bar rail post or other obstruction means the person or persons for the time being entitled to maintain such gate bar rail post or other obstruction.

Definitions.

3. [Power for the Council and owners to agree as to the removal of the obstructions mentioned in the Schedule. Spent.]

4. [Power for the Council in default of agreement, after not less than three months' notice to owners, to remove such obstructions. Spent.]

When and as soon as any of the said gates bars rails posts and other obstructions shall have been removed under the powers of this Act the site of such gate bar rail post or obstruction shall for all intents and purposes form part of the street in which it was situate and may and shall thenceforth be used repaired maintained lighted cleansed and sewered in the same manner as the rest of the street and other public streets in the district.

[As to compensation under the Lands Clauses Acts for lands taken or injuriously affected. Spent.]

5—6. [*As to service of notices—For protection of water and gas mains during works. Spent.*]

7. [*As to removal of gates and posts across the two entrances to Park Crescent and the entrance to Harley Street from Marylebone Road by agreement with the Commissioners of Woods. Spent.*]

As to laying
certain
wooden or
noiseless
pavement.

* **8.** Before the removal under the powers of this Act of the gates and posts in Wyndham Place Bryanston Square the Vestry of Saint Marylebone shall lay down a wooden asphalte or other noiseless pavement in Wyndham Place south of Crawford Street.

Before the removal under the powers of this Act of the gates and posts in Bryanston Place the Vestry of Saint Marylebone shall lay down a wooden asphalte or other noiseless pavement in Bryanston Place between Seymour Place and Bryanston Square.

Before the removal under the powers of this Act of the gates and posts in Devonshire Place the Vestry of Saint Marylebone shall lay down a wooden asphalte or other noiseless pavement in Devonshire Place between the Marylebone Road and Devonshire Street :

Provided that the said Vestry shall not be compelled under this section to lay down such noiseless pavement in Devonshire Place if within three months from the passing of this Act a majority of the occupiers of houses therein express their desire in writing to the said Vestry that the character of the material of the road should remain unaltered.

Before the removal under the powers of this Act of the gates posts and rails in Doughty Street the Vestry of Saint Pancras shall lay down a wooden asphalte or other noiseless pavement in that part of Doughty Street which is south of Guilford Street to the parish boundary.

Before the removal under the powers of this Act of the gates posts and rails on the eastern side of Oakley Square the Vestry of Saint Pancras shall lay down a wooden asphalte or other noiseless pavement along the south-eastern side of Oakley Square situate between Crowndale Road and Seymour Street.

Before the removal under the powers of this Act of the gates and posts in Heathcote Street the Vestry of Saint Pancras shall properly make up with macadamised material the roadway on the east side of Meeklenburgh Square.

It shall be lawful for the Council on the one hand and the said Vestries or either of them on the other hand to enter into and carry into effect any agreement as to the laying down and maintenance of the wooden asphalte or other noiseless pavement between the points herein-before mentioned and the manner in which the costs and expenses of laying down such pavement shall be provided And the Council shall contribute one half of the cost of laying down such pavements respectively.

9. [*Powers for the Council to borrow. Superseded by the London County Council (Money) Acts 1894—1905.*]

As to pay-
ments under
this Act.

10. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (expenses of obtaining Act) spent.*]

* This section is largely spent, but is set out to make the last paragraph intelligible. The vestries named are superseded by the Councils of the Metropolitan Boroughs of St. Marylebone and St. Pancras respectively. See 62 & 63 Vict. c. 14, s. 4.

The SCHEDULE referred to in the foregoing Act.

DESCRIBING NATURE AND SITUATION OF OBSTRUCTION AND PARISH
IN WHICH IT IS SITUATE.

PARISHES OF CAMBERWELL AND DEPTFORD.

Wagner Street Whitepost Lane (part only in Camberwell Parish)—
Posts across eastern end.

PARISH OF CHELSEA.

Upper Manor Street—
Posts and rails across the northern end.
Lincoln Street—
Rails and wall across the northern end.
Lowndes Square by Harriet Street—
Gate and posts across entrance from Lowndes Square.
Lowndes Street—
Gate and posts at entrance to Cadogan Place.
Lowndes Street—
Gates and posts at northern end of street.

PARISH OF GREENWICH.

Derwent Street—
Bar and posts across western end.

PARISH OF SAINT PAUL DEPTFORD.

Brockley Road—
Gate and posts across entrance to Ashby Road.
Wagner Street Whitepost Lane (part only in Deptford Parish)—
Posts across eastern end.

PARISH OF HAMMERSMITH.

Lime Grove—
Gates posts and rails across middle of street.

PARISH OF SAINT ANDREW HOLBORN.

Warwick Place Bedford Row—
Gate and bars obstructing the carriage-way to and from Brownlow Street.
Featherstone Buildings—
Posts across middle of street.

PARISH OF ISLINGTON.

Highbury Grange Highbury—
Posts and rails across road and footway.
Saint John's Park Upper Holloway—
Gates and posts across centre of road.
Brandon Road Caledonian Road—
Wooden barrier dividing Blundell Street from Brandon Road.

PARISH OF LEWISHAM.

Willow Walk Sydenham—
Posts across middle of street.
Berryman's Lane Sydenham—
Gates and posts across northern end of street.

PARISH OF PADDINGTON.

Kensington Gardens Square—
Gates and posts across entrance from Princes Square.
Devonport Street—
Gates and posts across entrance to Sussex Place.
Hyde Park Gardens by Sussex Square—
Gates and posts across entrance to Stanhope Street.
Craven Hill Gardens—
Gate and posts across entrance from Leinster Terrace.

PARISH OF SAINT GEORGE HANOVER SQUARE.

- Eaton Square by Lyall Street—
Gates and posts across street.
- Eaton Square by Eaton Place—
Gates and posts across street.
- Eaton Square by Upper Eccleston Street—
Gates and posts across street.
- Eaton Square by Saint Peter's Church—
Gates and posts across street.
- Eaton Terrace—
Gates and posts across street.
- Pont Street—
Gate and posts across street at eastern end.
- Belgrave Road by Gillingham Street—
Gates and posts across street.
- Belgrave Road by Denbigh Street—
Gates and posts across street.
- Saint George's Road by Elizabeth Bridge—
Gates and posts across street.
- Harewood Place by Oxford Street—
Gates and posts across street.
- Wilton Place by Knightsbridge—
Gates and posts across street.

PARISH OF SAINT JAMES WESTMINSTER.

- Vigo Street Regent Street next Savile Row—
Posts at western end.

PARISH OF SAINT LUKE.

- Christopher Street Finsbury Square (part only in Saint Luke's parish)—
Posts rails and wall across entrance from Wilson Street.

PARISH OF SAINT MARYLEBONE.

- Wyndham Place Bryanston Square—
Gates and posts across northern end.
- Bryanston Place and Seymour Place—
Gates and posts across western end.
- Harewood Place and Lisson Grove—
Gate post and rails across street.
- Devonshire Place by Marylebone Road—
Gates posts and rails across northern end.

PARISH OF SAINT PANCAS.

- Clifton Road—
Gates posts and rails across entrance to York Road.
- Camden Park Road—
Gates and posts across entrance to York Road.
- Wrotham Road—
Gates and posts across middle of street.
- Saint Paul's Road—
Gates posts and rails across north-eastern end.
- Saint Paul's Road—
Gates posts and rails across western end.
- Camden Mews—
Gate posts and rail across entrance to Camden Park Road.
- Harrington Square—
Gates posts and rails south-eastern entrance to Houghton Place.
- Oakley Square—
Gates posts and rails across entrances to Crowndale Road.
- Tavito Street—
Gates posts and rails across southern end.
- Endsleigh Street—
Gates posts and rails across southern end.
- Doughty Street—
Gates posts and rails.
- Heathcote Street—
Gate and posts across entrance to Gray's Inn Road.
- Frederick Street Gray's Inn Road—
Gates and posts across eastern end.

PARISH OF SAINT LEONARD SHOREDITCH.

Christopher Street Finsbury Square (part only in Shoreditch parish)—

Posts rails and wall across entrance from Wilson Street.

Vandy Street Worship Street—

Posts at northern end and middle of street.

Union Buildings Union Street—

Posts across southern end of Cæsar Street eastern end of Union Buildings and the middle of Long Street.

PARISH OF STREATHAM.

Beechcroft Road Streatham—

Gate across entrance to Glenbourne Road.

PARISH OF SAINT MARGARET WESTMINSTER.

Little George Street—

Bar and posts across middle of street.

Princes Gardens—

Rails across eastern end.

CHAPTER LXXI.

AN ACT TO CONFER POWERS ON THE LONDON COUNTY COUNCIL WITH REGARD TO HACKNEY MARSHES ALBERT PALACE BATTERSEA YORK WATER GATE AND HILLY FIELDS BROCKLEY.

[29th June 1893.]

[Preamble recites (inter alia) that there are certain lands in London known as Hackney Marshes, reputed to be Lammas lands within the manor of Lords Hold Hackney, and an agreement set out in Part I. of the schedule to the Act for the purchase by the London County Council (in this Act called "the Council") of the lands, estates, rights, and interests affecting the said Marshes; and recites that agreements have been entered into with other parties named in Part II. of the said schedule for the purchase by the Council of other lands, estates, rights, and interests affecting the said Marshes; and that another agreement has been entered into with the persons appointed by the homage of the Court Baron of the said Manor to be drivers of the said Marshes for the purchase by the Council of all rights of common over the said Marshes; and further recites that by 29 Geo. 2, c. 90, trustees were appointed for rebuilding or repairing the terrace walk and a stone edifice called the Water Gate adjoining the Thames, and belonging to the proprietors and inhabitants of York Buildings, in the parish of St. Martin-in-the-Fields, with the walls, steps, gates, rails, and premises belonging thereto, and that powers were conferred upon the trustees to make rates for amending and repairing the same and the causeway leading from the stairs belonging to the said buildings and adjoining the Thames down to low-water mark; and recites that by 25 & 26 Vict. c. 93 the bank and foreshore of the Thames at this point were reclaimed, and that the site and soil thereof is cested in the Council for the purpose of that Act, and that the structure known as York Water Gate, situate in the Council's Victoria Embankment Garden, marks the position of the north-westerly bank of the Thames previously to the formation of the Victoria Embankment, and is an object of public interest, and that there is danger of the same falling into decay, and that there is situate on the north-western side of the said garden, and between the said gate and Buckingham Street, a piece of vacant ground, said to

have formerly formed part of the said terrace walk, and that it is expedient that the said piece of ground shall be vested in the Council to be used for the preservation of the Water Gate and the improvement of the said gardens; and further recites that it has been proposed to the Council by persons (hereinafter referred to as the "Preservation Committee") that certain lands in Lewisham, being parts of lands known as Hilly Fields, Brockley, should be acquired by the Council and maintained as an open space; and that the freehold of about seventeen acres and three roods of such land is vested in the Mayor, Commonalty, and citizens of the City of London as trustees of the Bridge House Estates (hereinafter called "the Corporation"), and is subject to a lease for a term of which about seventy-two years are unexpired; and recites the deposit of plans and a book of reference with the Clerk of the Peace for London.]

PART I.

INTRODUCTORY.

Short title.

1. This Act may be cited as the London Open Spaces Act 1893.

Interpretation of terms.

2. The several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction :

Provided that for the purposes of this Act the expressions "the promoters of the undertaking" and "the Company" in the Lands Clauses Acts shall be construed to mean the Council and that for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partly incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts are (except where expressly varied by this Act) incorporated with and form part of this Act.

PART II.

HACKNEY MARSHES.

Defining Hackney Marshes.

4. In this part of this Act the expression "Hackney Marshes" means the lands in the parish of Saint John Hackney in the County of London shown on the deposited plans and described in the deposited books of reference under the numbers 1 2 4 5 7 8 10 and 11 in that parish and includes the bed or soil of the adjoining and intersecting portions of the River Lee and the streams connected therewith (but as regards such adjoining portions only ad medium filum) and the soil of any highways thereon so far as such bed and soil respectively belong to any persons having any estate or interest in Hackney Marshes whether as lord of the manor of Lords Hold Hackney or otherwise.

Vesting of Hackney Marshes in the Council.

5. From and after the passing of this Act Hackney Marshes are hereby vested absolutely in the Council in fee simple and the Council shall from and after the passing of this Act hold the same (excepting any highways thereover) discharged from all estates

interests rights titles charges and incumbrances whatsoever in to over or affecting the same or any part thereof as and for an open space for the perpetual use thereof by the public for exercise and recreation and shall maintain preserve manage and regulate the same as such accordingly :

Provided that nothing in this Act contained shall entitle the Council to place any erection or building on or over any part of the River Lee or to execute any work so as to obstruct or interfere with the flow of the water therein without the consent of the Lee Conservancy Board under the Lee Conservancy Acts :

[Part omitted (as to stamping conveyance of Hackney Marshes) spent.]

6—8. [As to compensation for estates and interests in Hackney Marshes—Confirmation of agreements set out in the Schedules to the Act—As to payment of compensation. Spent.]

9. For the purpose of determining the amount of compensation in respect of any claim by this part of this Act directed to be determined by arbitration there shall be a standing arbitrator appointed and acting as follows (that is to say):—

Appoint-
ment of
standing
arbitrator.

- (1.) The Board of Trade shall as soon as may be after the passing of this Act by writing under the hand of a secretary or an assistant secretary of the said Board appoint a person to act as such standing arbitrator ;
- (2.) Any standing arbitrator may be removed from his office by the Board of Trade by writing under the hand of a secretary or an assistant secretary of the said Board ;
- (3.) If any standing arbitrator dies or resigns or is removed from office the Board of Trade shall in manner aforesaid within one month after notice of his death resignation or removal appoint another person to be a standing arbitrator in his place ;

Before any standing arbitrator enters upon the duties of his office he shall in the presence of a Justice make and subscribe the following declaration (that is to say):—

I A.B. do solemnly and sincerely declare that I will faithfully and honestly and to the best of my skill and ability hear and determine all matters which may from time to time be referred to me under the provisions of Part II. of the London Open Spaces Act 1893 ;

- (4.) And if a standing arbitrator having made such declaration wilfully acts contrary thereto he shall be guilty of a misdemeanor.

10. The Council may from time to time as the consideration or part of the consideration for the purchase of lands or for any consideration which they may deem of public advantage grant (for a limited time or in perpetuity) to any person upon such terms and conditions as may be agreed upon between the Council and such person any right or easement in over or affecting Hackney Marshes or any part thereof. Provided that the standing arbitrator shall at the request of the Council award that instead of making compensation for any private right of way over Hackney Marshes the Council shall permit such private right of way to be exercised and enjoyed by any person entitled thereto as before the passing of this Act :

Power to
Council
to grant
rights or
easements
over
Hackney
Marshes.

And the standing arbitrator may if he thinks fit at the request of the Council and with the consent of any person entitled to compensation under this part of this Act award that the Council shall grant and thereupon the Council shall grant any such right or easement as aforesaid to such person in satisfaction wholly or in part of such compensation. Provided that no such right or easement shall be such as in the opinion of the Council shall be inconsistent with the due carrying into execution by the Council of the purposes for which Hackney Marshes are hereby vested in the Council.

Purchase of
rights etc. by
agreement.

11.—(1.) The Council may from time to time by agreement with any person who may by or by virtue of any such agreement or award as aforesaid for the time being be entitled to any such right or easement in over or affecting Hackney Marshes purchase or acquire such right or easement on such terms and conditions as the Council shall think fit :

(2.) Any person empowered by the Lands Clauses Acts or the Settled Land Act 1882 to sell and convey or release lands may subject to the provisions of the said Acts enter into any such agreement with the Council for the sale or release of any such right or easement as aforesaid.

Power to
Council to
exchange
lands.

12. The Council may from time to time by agreement with any person exchange any lands forming part of Hackney Marshes for any other lands adjoining which the Council may think it desirable to substitute for such first-mentioned lands :

Any lands given by the Council in exchange under the authority of this part of this Act shall thereupon cease to form any part of Hackney Marshes although the same be shown on the deposited plans as part thereof :

Any lands taken by the Council in exchange under the authority of this part of this Act shall thereupon be deemed to be and shall be held by the Council together with and as though the same were part of Hackney Marshes as shown on the deposited plans and this part of this Act shall be construed accordingly :

Any person empowered by the Lands Clauses Acts or the Settled Land Act 1882 to sell and convey or release lands may subject to the provisions of the said Acts enter into any such agreement with the Council for exchange of lands aforesaid.

Powers of
Council as
to roads
over
Hackney
Marshes.

13. The Council may from time to time open or make or permit or suffer any person (upon such terms and conditions as the Council may think fit) to open or make any foot carriage or other way over Hackney Marshes or any part thereof which the Council may deem proper for the use of the public. Provided always that until such way shall become repairable by the inhabitants at large the same shall continue subject to all by-laws for the time being in force with respect to Hackney Marshes.

Power to
acquire
additional
lands and
heredita-
ments by
agreement.

14. The Council may purchase and take by agreement all or any of the lands shown on the deposited plans of Hackney Marshes and thereon numbered 3 6 9 and 12 or any interests or rights in over or affecting such lands and any lands so acquired shall thereupon for all the estate and interest of the vendor in such lands conveyed to the Council but not further or otherwise be deemed to be and shall be held by the Council together with and as though the same were part of Hackney Marshes and this part of this Act shall be construed accordingly. Provided that the Council may

subject to the provisions of this Act retain or remove alter enlarge or adapt any buildings on lands acquired under this section for any purpose which they may think conducive to the public benefit.

15. [*Hackney District Board of Works to contribute £16,000 towards the purchase by the Council of Hackney Marshes, and power to that Board and adjoining local authorities to contribute towards such purchase. Spent.*]

PART III.

16—18. [*Provisions as to maintenance by the Council of Albert Palace, Battersea, if the same is conveyed to the Council free of expense. Lapsed. Council resolved (5th October 1893) not to proceed with the matter.*]

PART IV.

YORK WATER GATE.

19. The York Water Gate and the site thereof and the land adjoining thereto which are delineated on the deposited plans and described in the deposited book of reference under the numbers 1 and 2 in the parish of Saint Martin-in-the-Fields shall subject to the provisions herein-after contained be by virtue of this Act transferred to and vested in the Council so far as they are not already vested in the Council and the Council shall preserve in its present position and maintain the said York Water Gate and may if they think fit make an entrance to the embankment garden through or by the side of the said gate from Buckingham Street :

York Water Gate etc. vested in Council.

Subject to the provisions herein-after contained the Council may enclose and throw into the said garden so much as they may think fit of the land transferred to and vested in them by this section.

20.—(i.) The Council shall not in any way interfere with the access of light and air to or with the view from the buildings upon the north side of the vacant space of ground numbered 1 as aforesaid or the premises known as No. 16 Villiers Street :

Further provisions as to property near York Water Gate.

(ii.) In the event of the Council adding to the embankment garden the said vacant space or any part thereof (except any part thereof used for the purpose of the aforesaid entrance to the embankment garden) the Council shall make and maintain in good condition such paths as are necessary for the approach to the doorways and windows at present opening or hereafter to be opened on to the said space of ground and shall unless otherwise agreed with the owners of the houses on the north side of the said land and of the house now numbered 16 Villiers Street (herein-after referred to as "the said houses") provide means whereby the owners of the said houses and their tenants servants and workmen employed about the said houses shall at all times be enabled to pass through at the points where Villiers Street Buckingham Street and York Buildings join the said space of ground :

(iii.) Unless and until the Council add any part of the said space of ground to the said garden the rights of the owners of the said houses in or over the said space (except any part thereof used for the purpose of the aforesaid entrance to the embankment garden) shall be and remain as at the date of the passing of this Act :

(iv.) In the event of the rebuilding painting or cleaning of or any alteration or repair to any of the said houses the owners thereof shall at all times have full and free liberty to enter upon and to erect temporary scaffolding ladders and other appliances upon the said vacant space or the site thereof for the purpose of such rebuilding painting cleaning alteration or repair or to open up drains when necessary :

(v.) It shall be lawful for the owner for the time being of Nos. 16 and 19 Villiers Street to erect an archway over the said vacant space or the site thereof to connect the said houses :

(vi.) Any of the provisions contained in this section may subject to any estates or interests of other parties be at any time altered by agreement between the Council and the owners of the said houses.

21. [*Powers to the Council to take certain lands in St. Martin-in-the Fields. Spent.*]

PART V.

HILLY FIELDS BROCKLEY.

Purchase
and ex-
change of
land at Hilly
Fields
Brockley.

22.—(1.) It shall be lawful for the Council to enter into and carry into effect any arrangement with the Corporation the preservation committee and the owners and lessees of and other persons interested in any part of Hilly Fields or lands adjoining the same as to the sale and exchange of any of the said lands at Hilly Fields so as to secure that not less than forty-one acres of land in such situation and with such boundary as the Council may approve shall be preserved and maintained by the Council as an open space and when such piece of land has been vested in the Council it shall be laid out by them as an open space and shall be thereafter dealt with as if it had been acquired by the Council for the purposes of and under the powers of The Open Spaces Acts 1877 to 1890.

[*Parts omitted (as to agreement with owners and compensation to the Corporation) spent.*]

23. [*Greenwich District Board of Works to contribute £7,000 towards the purchase by the Council of Hilly Fields, and powers to other local authorities to contribute towards such purchase. Spent.*]

PART VI.

GENERAL PROVISIONS.

24. [*Powers to local authorities to borrow contributions authorised by this Act. Spent.*]

Erection of
buildings
&c. by
vestries.

25. It shall be lawful for any vestry* or district board* acting under the Metropolis Management Act 1855 and the Acts amending the same to erect and maintain on any of the open spaces belonging to or under the control of such vestry or district board buildings for the accommodation of keepers constables and other persons employed by them in connection with the maintenance and management of such open spaces and also such other convenient and ornamental buildings and such appliances as they may think requisite for purposes of exercise and recreation and for refreshment

* Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

rooms band-stands conveniences and for other like purposes. Provided that the consent of the Council under their common seal to the erection thereof be first obtained and the expenses so incurred by them shall be deemed to be expenses incurred by them under and for the purposes of the said Acts and may be raised and defrayed accordingly. [*See also 60 & 61 Vict. c. cclii. s. 49, and 63 & 64 Vict. c. cclxviii. s. 29.*]

26. Subject to the provisions of this Act any of the lands which may be acquired or managed by the Council under the powers of this Act shall be deemed to be included among the parks gardens and open spaces to which the provisions of the London Council (General Powers) Act 1890 with respect to by-laws (parks and open spaces) are applicable . . . : By-laws—
Parks etc.

The Council may place upon any parts of the said lands any such buildings or erections as they may think desirable with a view to the utilisation thereof for the recreation and enjoyment of the public.

[*As to part omitted (as to Albert Palace, Battersea) see note on ss. 16—18.*]

27. [*Time for compulsory purchase of lands limited to 3 years. Spent.*]

28. [*Power to the Council to borrow. Superseded by the London County Council Money Acts 1894—1904.*]

29. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . As to pay-
ments under
this Act.
[*Part omitted (as to expenses of obtaining Act) spent.*]

The SCHEDULE referred to in the foregoing Act.

PART I.

[*Articles of Agreement made the 24th February, 1893, between the Right Honourable William Amherst Baron Amherst of Hackney (hereinafter called "the said Baron Amherst") of the first part, John Mitford, the chief cashier of the General Post Office, of the second part, and the London County Council of the third part, being an agreement for the sale to the Council of certain interests in Hackney Marshes. Spent.*]

PART II.

[*Dates of certain agreements confirmed by s. 7, with names of vendors and amounts of purchase money in each case. Spent.*]

PART III.

[*Articles of Agreement made the 24th February, 1893, between John Crowfoot, of Chigwell Road, in the county of Essex, Esquire, Reuben Button, of Stamford Hill, in the county of Middlesex, Esquire, Thomas David Deane Robertson, of 217 New Kent Road, in the county of London, Henry Hobson, of 98 Stamford Hill aforesaid, Esquire, Charles Clerely Paine, of Cedar House, Stamford Hill aforesaid, Esquire, Solomon Bennett, of 117 Richmond Road, in the parish of Hackney in the same county, Esquire, and William Evans Garstin, of 5 Welbeck Street, Cavendish Square, in the same county of London, being the persons appointed by the Honours of the Court Baron of the Manor of Lords Hold Hackney to be drivers of the Hackney Marshes of the one part, and the London County Council of the other part, being an agreement for the sale to the Council of the common rights over Hackney Marshes. Spent.*]

CHAPTER CCII.

AN ACT TO CONFER FURTHER POWERS ON THE LONDON COUNTY COUNCIL WITH RESPECT TO THEIR EXISTING SUBWAYS.

[24th August 1893.]

[Preamble.]

Short title.

1. This Act may be cited for all purposes as the London County Council (Subways) Act 1893.*

Interpretation.

2. In this Act—

The expression “the Council” means the London County Council;

The expression “the county” means the administrative county of London;

The expression “the company” means and includes any company body or person having any power of opening or breaking up a street in the county for laying any pipe or wire except the Commissioners of Sewers† of the City of London and a vestry‡ or district board of works § constituted and acting under the Metropolis Management Act 1855 and the Acts amending the same;

The expression “subway” means an arched passage or covered way existing at the passing of this Act and belonging to the Council under the surface of a street which passage or way is adapted for the reception of and affording convenient access to pipes and wires placed therein;

The expression “street” has the meaning assigned thereto in the Metropolis Management Act 1855 and the Metropolis Management Act 1862;

The expression “pipe” includes any pipe main valve tube or channel which may be laid in or under any street by the company;

The expression “wire” includes any wire conductor or cable and any attachment thereto or covering or protection thereof any part of which is placed or may be placed under any street or any part of any street by the company;

The expression “telegraphic line” has the same meaning as in the Telegraph Act 1878. [See note on 54 & 55 Vict. c. lxxvii. s. 2.]

Removal of pipes and wires into subway.

3. The company (without the consent of the Council) shall not in a street where there is a subway interfere with the surface of the street for the purpose of laying or renewing a pipe other than a communication or supply pipe unless they shall have given seven days’ notice in writing to the Council of their intention so to do And the Council may at any time within the said period of seven days by notice under the hand of their engineer require the company to lay such pipe in such subway.

Where the Council have a subway in any street it shall be lawful for the Council at any time by notice in writing to require the

* This Act has been extended to subways authorised by 61 & 62 Vict. c. cexxi. s. 62; 62 & 63 Vict. cc. cexxxvii. s. 33 and cclxvi. s. 28; 63 & 64 Vict. cc. cexix. s. 38 and cclxix. s. 37; 1 Edw. 7, c. cclxxi. s. 36; 2 Edw. 7, cc. cexix. s. 22; 3 Edw. 7, c. cexix. s. 36; and 4 Edw. 7, c. cexxxi. s. 28; and the Baker Street and Waterloo Railway Acts 1899, s. 8, and 1905, s. 13.

† Now the Mayor, Commonalty, and Citizens of the City of London. See the City of London Sewers Act 1897.

‡ Now the Council of a Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

company to remove into such subway any then existing pipes or wires of the company in the street for the reception of which such subway shall be convenient. Provided that where pipes for the supply of water or gas are required to be removed provision shall be made for the continuance of the supply during such removal unless with the consent of the person entitled to the supply.

The reasonable cost of such removal (including the cost involved in removing or altering communications between the pipe or wire removed and any house or building and the cost of providing for the continuance of any supply of water or gas during such removal) shall be defrayed by the Council and if any difference arise as to the reasonable amount of such cost the same shall be settled by an arbitrator.

If default be made by the company in the removal of any such pipe or wire the Council whether having the control or management of the surface and soil of the street or not may if they think fit take up the pipe or wire in respect of which default is made and may remove the same into the subway and if it be necessary for the purpose of such removal to substitute new pipes for any existing pipes in the street the arbitrator may apportion the cost of such substitution between the Council and the company if he considers the company derive any benefit from the substitution.

4. If under the powers of this Act the Council cause any pipe or wire to be removed into any part of any subway over or near to the Metropolitan District Railway they shall not cause such pipe or wire to be placed in the subway in such a manner and position as may have the effect of disturbing or interfering with the action of any electric circuits from time to time used or intended to be used on or in connection with that railway for the purposes of telegraphic or telephonic communication or for electric signalling.

As to removal of pipes or wires into subway under this Act.

The Council shall be responsible for and make good to the Metropolitan District Railway Company all costs losses damages and expenses which may be occasioned to the said Railway Company in consequence of any works or proceedings of the Council or the construction use breakage leakage or failure of any pipes or wires for the time being placed in the subway caused by the Council or their officers servants or workmen and shall effectually indemnify and hold harmless the said Railway Company from all claims and demands upon or against them by reason of such works or proceedings or such construction use breakage leakage or failure.

5. It shall be lawful for the Council to make on the company using any subway a charge for the use of the subway and the supervision of such subway and the pipes and wires therein according to a scale to be determined as herein-after provided and until such scale is so determined the amount of such charge (if not agreed between the Council and the company using the subway) shall be determined by an arbitrator. Provided that in the determination of such scale or of the amount of any such charge in the case of any water or gas company having statutory powers to break up streets regard shall be had only to such saving (if any) as may result to such company by reason of the pipe being laid and accessible in a subway instead of being laid or remaining under a street and to any other saving resulting to such company by reason of the subway and to the cost of management and supervision of the subway and the pipes therein.

Charge for use of subway.

Cessor of
powers to
break up
streets.

6. Where the Council have a subway in any street and so long as any such subway shall continue adapted for the reception of pipes and wires all power of the company for breaking up or interfering with the surface of the street beneath which the subway is made shall cease and determine except so far as may be necessary for any of the following purposes :—

- (A.) For removing pipes or wires into the subway ;
- (B.) For laying pipes and wires across the street from intersecting or side streets in which no subways exist or in connection with valves works or appliances which for the purpose of regulating mains laid in subways may be brought to the surface of the street ;
- (C.) For obtaining access to pipes or wires already laid or placed in the street but which the Council shall not have required the company to move into a subway ;
- (D.) For forming connections between any pipes or wires in the subway and any house or building in the street or any public lamps so far as such connections cannot be formed through openings in the subway :

Any difference which may arise between the Council and the company under this section shall be referred to an arbitrator.

Maintenance
of pipes and
subway.

7. Every pipe and wire placed in any subway shall be maintained and kept in proper condition and repair by and at the expense of the company to whom it belongs under the supervision of the officer to be appointed for that purpose by the Council. If the company fail at any time to keep any such pipe or wire in proper condition and repair it shall be lawful for the Council to place the same in proper condition and repair and execute any works which may be necessary for that purpose and the amount of any costs and expenses to which the Council may be put in connection with any such work shall be repaid on demand by the company to whom the pipe or wire belongs and in default of such payment may be recovered by the Council in a summary way. Every subway shall be maintained and kept in proper condition and repair by the Council with efficient means of ventilation and free from water and other obstructions in the way of the company.

Superintend-
ent of sub-
ways and
other officers.

8. It shall be lawful for the Council to appoint and employ a superintendent of subways and such other officers and servants as they may find requisite for any of the purposes of this Act relative to subways.

Connections
of wires in
subway with
overground
wires.

9. Where the company is required under the powers of this Act to remove any wire or any part of a wire into a subway it shall be lawful for the company to open up any portion of street for the purpose of conveniently passing such wire into and out of the subway and of connecting it with any other wire of the company :

But any such interference shall be effected only in such manner and subject to and in accordance with such terms and conditions as in default of agreement between the company and the authority in whom the control of the street is vested shall be determined by an arbitrator who shall be appointed by the Board of Trade on the application of such authority or the company to whom the question refers.

Bye-laws.

10. The Council may from time to time make vary and enforce bye-laws with respect to any of the following matters :—

The position and manner in which pipes and wires shall be placed in subways and the method in which they shall be brought into and taken out of subways ;

The manner in which any repairs or alterations in any such pipes and wires may be made ;

The control and regulation of persons resorting to any such subway and of all persons fixing or altering any pipe or wire therein ;

The access to subways by officers and servants of the company and other persons ;

The prohibition of any interference with any means of access to any subway ;

The preparation deposit and correction of maps plans and particulars of existing and intended pipes and wires ;

The materials and method to be employed in placing insulating and protecting wires in subways ;

And generally as to matters connected with the use of subways :

And the Council may by such bye-laws fix and determine the scale of fees and charges to be paid by any company or person using any subway and the conditions to which any such company and person or persons employed by them and using the subways shall be subject and they may also by such bye-laws fix and determine the penalties to be imposed on the company or any person failing to comply with any of the provisions of this Act and the continuing penalties to be imposed in the event of any such offence being continued :

Provided that no such bye-laws shall have any force or effect until they shall have been approved by the Board of Trade who may prescribe what notices of the intended bye-laws should be given prior to their being taken into consideration and provided that before any such bye-laws are proposed to the Board of Trade for confirmation notice thereof with copies of the intended bye-laws shall be given to the Postmaster-General.

11. No bye-laws made under the authority of this Act shall come into operation until the same be allowed by the Board of Trade and twenty-one days' notice of the intention to apply to the Board of Trade for the allowance of such bye-laws shall be given to the company and the Board of Trade may allow disallow or alter any such bye-laws as they think proper.

No bye-laws to come into operation until allowed by the Board of Trade.

12. Nothing in this Act or in any bye-law made under this Act or any compliance with any of the provisions of this Act or of any such bye-law shall relieve the company from any liability to which they would be otherwise subject :

As to liability for accidents.

Provided that (without prejudice to any liability of the company) the Council shall pay and effectually indemnify the company against all claims demands damages and penalties to which the company may become liable in respect of any injury or damage caused by or consequent upon any act or operation of the company their officers or servants which act or operation is done to comply with any requisition of the Council under this Act or any bye-law made under this Act and is done with due and reasonable care and without negligence or default and also (in respect of any act or operation so done) against all damage which the company may sustain by reason or in consequence of any injury to any pipe or wire caused by or resulting from compliance with any

requisition of the Council or with any bye-law under this Act and against any costs charges and expenses properly incurred by the company or for which the company may become liable in reference to any such claims demands damages or penalties as aforesaid.

Cases of
emergency.

13. Notwithstanding anything in this Act the company subject to and in accordance with the terms and conditions of their existing Acts may in any case of emergency and in order to repair remedy or prevent any accident open up any street in which any existing pipe or wire is laid. Provided they shall as soon as possible serve on the Council notice of their proceeding to open up the street and specifying the purpose for which such opening is required.

Questions
between
Council
and company
referred to
arbitration.

14. If any question shall arise between the Council and the company as to whether any subway is adapted for the reception of pipes or wires or affords convenient access to pipes or wires or as to the position or manner (where not prescribed by any bye-law) in which any pipe or wire shall be required to be laid such question shall be referred to the determination of an arbitrator.

Arbitrator.

15. Where under the provisions of this Act any matter is referred to "an arbitrator" the reference shall be to an arbitrator who shall be appointed by the Board of Trade on the application of the Council or the company to whom the question refers and the Arbitration Act 1889 shall apply to the arbitrator and procedure before him.

Notice of
action to be
given to the
Council.

16. *No writ shall be issued against and no proceeding shall be instituted against the Council or any officer or person acting under their authority in reference to this Act except after such notice and subject to such conditions as are specified in section 106 of the Metropolitan Management Act 1862 which section shall be deemed to be incorporated with this Act. [Seemle superseded by the Public Authorities Protection Act 1893 (see Appendix), which repeals s. 106 of 25 & 26 Vict. c. 102.]*

Recovery of
penalties.

17. Every sum of money required by this Act to be paid to the Council and every penalty imposed by this Act or by any bye-law made in pursuance thereof may be recovered by the Council in a summary way.

Penalties
under bye-
laws to be
paid to
Council.

18. All penalties which may be recovered under this Act or any of the bye-laws made by the Council under the powers of this Act shall notwithstanding anything contained in an Act made and passed in the session holden in the second and third year of the reign of Her present Majesty chapter seventy-one or in any other Act or Acts to the contrary be paid to the Council and may be carried by them to the credit of the county fund.

Evidence of
bye-laws.

19. The production of a copy of a bye-law made by the Council under this Act if authenticated by the corporate seal shall until the contrary is proved be sufficient evidence of the due making and existence of the bye-law and of the bye-law having been approved by the Board of Trade.

Company's
obligation to
give notice
not to be
affected.

20. Nothing in this Act shall be deemed to relieve the company from any obligation to which they are subject at the passing of this Act to give notice to any person or authority before commencing to open or interfere with any street.

21. The company shall not under the powers of this Act or any bye-law made under this Act be required to place any wire in any manner which shall be inconsistent with any regulation or condition for securing the safety of the public or for the protection of the electric lines and works of the Postmaster-General and of other electric lines and works lawfully placed in any position and used for telegraphic communication made prescribed or imposed by the Board of Trade under the Electric Lighting Acts 1882 and 1888 or under any special Act or Provisional Order or licence under the provisions of the Electric Lighting Acts 1882 and 1888 or either of them.

Wires not to be inconsistent with regulations of Board of Trade.

22. With regard to subways which the Postmaster-General is entitled to use under the Telegraph Act 1878 the company shall not under the powers of this Act or any bye-law or regulation made under this Act be required to place or maintain any pipe or wire in any subway in which any telegraphic line of the Postmaster-General for the time being is placed until the Council shall have given notice in writing to the Postmaster-General describing the pipe or wire proposed to be placed in the subway and the position and manner in which the pipe or wire is proposed to be laid and used or worked and if within fourteen days after the service of such notice the Postmaster-General shall in writing object thereto on the ground that the placing or using or working of the pipe or wire in the position or manner proposed would injuriously affect such telegraphic line the company shall not be required so to place such pipe or wire unless or until the objection is withdrawn.

Notice to Postmaster-General.

23. Nothing in this Act or in any bye-law or regulation made under this Act shall apply (except by way of protection) to the Postmaster-General or to any telegraphic line belonging to or used by the Postmaster-General or to any support or attachment thereof and nothing in this Act or in any such bye-law or regulation shall be deemed to take away abridge or prejudicially affect any right or privilege conferred upon the Postmaster-General by the Telegraph Acts 1863 to 1889 or any of them or enjoyed or exercisable by the Postmaster-General. Provided that persons resorting to any subway by the authority of the Postmaster-General shall be subject to the bye-laws to be made under this Act with respect to the control and regulation of persons resorting to the subways and the prohibition of any interference with any means of access to any subway.

For protection of Postmaster-General.

Nothing in this Act shall be deemed to confer on the Postmaster-General any greater power of using any subway of the Council than he has at the date of this Act.

24. This Act shall not apply to any pipe or wire authorised to be laid or placed by any Provisional Order or licence under the Electric Lighting Acts 1882 and 1888 or under any special Act incorporating the said Acts or (in respect of such wires) to any company authorised to lay or place the same.

Act not to apply to any pipe or wire authorised to be laid under Electric Lighting Acts.

25. Nothing in this Act contained shall be deemed to authorise the Council to confer any powers of placing wires for electric lighting purposes in any subway on any company body or person not authorised so to place such wires by a special Act Provisional Order or licence under the provisions of the Electric Lighting Acts 1882 and 1888.

Not to authorise placing unauthorised wires in subways.

As to pay-
ments under
this Act.

26. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [Part omitted (expenses of obtaining Act) spent.]

CHAPTER CCIV.

AN ACT TO CONFER FURTHER POWERS UPON THE CORPORATION OF THE BOROUGH OF WEST HAM AND TO MAKE FURTHER PROVISION FOR THE GOOD GOVERNMENT OF THAT BOROUGH AND FOR OTHER PURPOSES. [24th August 1893.]

[Preamble recites (inter alia) that difficulty exists in disposing of the sewage of the borough, and that the northern outfall sewer of the London County Council runs through the borough, and that it is expedient that the same should be utilised for the sewage of the borough, and the London County Council be required to receive and dispose of such sewage.]

PART I.

PRELIMINARY.

- Short title.
1. This Act may be cited for all purposes as the West Ham Corporation Act 1893.
- Act divided into parts.
2. This Act is divided into parts as follows (that is to say):—
Part I. Preliminary.
Part III. Sewage Disposal.
- Interpreta-
tion of terms.
5. In construing this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to the construction (that is to say):—
“The borough” means the municipal borough* of West Ham :
“The Corporation” means the mayor aldermen and burgesses of the borough :
“The Council” means the town council of the borough.
- Act to be
executed by
council.
6. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council.

PART III.

SEWAGE DISPOSAL.

- Sewage of
borough to
be dealt with
by London
County
Council.
18. The following provisions shall have effect with respect to the reception and dealing with the sewage of the borough by the London County Council (in this section called “the London Council”) (that is to say):—

[Provisions requiring the Chief Engineer of the London Council to select, within six months from the passing of Act, some convenient point or points within the borough at which the sewage of the

* * Now the county borough, so constituted in 1894 by an Order of the Local Government Board under 51 & 52 Vict. c. 41, s. 54 (1) (d).

borough may be delivered into the London Council's northern main outfall high level sewer, and the London Council within six months after to execute, at the expense of the Corporation or to require the Corporation to execute, all necessary works for permitting the sewage of the borough to be delivered into the said sewer. Spent.]

- (4.) When such works matters and things have been completed the London Council shall permit the sewage of that part of the borough which is situate to the northward of the Victoria and Albert Docks to be delivered into the Northern Main Outfall High Level Sewer at such point or points as aforesaid.
- (5.) The works for delivering the sewage into the Northern Main Outfall High Level Sewer shall be so constructed as to prevent the discharge or to enable the London Council to shut off the discharge of sewage into the same at any time when the sewage passing along the sewer rises or is about to rise higher than within six inches of the top of the storm overflow weir at Old Ford. And when and so long as the sewage is above that height at the said weir no discharge into the said sewer shall be permitted without the consent of the London Council. Notice of the intention of the London Council to shut off such discharge shall be given to the officer of the Corporation in charge of their sewage works.
- (6.) The whole of the sewage of that part of the borough which is situate to the northward of the Victoria and Albert Docks shall (except when the sewage shall be so shut off and except temporarily in the case of accidents or emergency) be delivered into the said sewer and it shall not be lawful for the Corporation to discharge any of the sewage from that part of the borough into the Rivers Thames or Lee.
- (7.) When and so soon as the London Council shall have constructed a sewer from the western boundary of the parish of North Woolwich to Barking the sewers of the Corporation shall be connected therewith at such convenient point at or near the said boundary as the chief engineer to the London Council may select so that the sewage from that portion of the borough which is southward of the Victoria and Albert Docks may flow by gravitation from the sewers of the Corporation into and along the said sewer and all works required for effecting such connexion so far as the same will involve any interference with the sewer of the London Council shall either be executed by the London Council at the expense of the Corporation or if so required by the London Council by the Corporation in accordance with the provisions of sub-section 3 of this section. After the completion of such connexion the whole of the sewage of the said part of the borough shall (except temporarily in the case of accidents or emergency) be delivered into the sewer so provided by the London Council and it shall not be lawful for the Corporation to discharge any of the sewage from that part of the borough into the Rivers Thames or Lee.
- (8.) When any sewage has been delivered into a sewer of the London Council in accordance with the provisions of this

part of this Act the Corporation shall be free from any further obligation or liability for the disposal of such sewage or in connexion therewith but nothing herein contained shall impose upon the London Council any responsibility for the internal drainage of any part of the borough or render them in any way responsible for any flooding which may occur in the borough or for the discharge of any sewage or storm-water into the Rivers Thames or Lee.

(9.) The Corporation shall make to the London Council in respect of the right of delivering their sewage under this Act into the sewers of the London Council such annual or other payments in such manner at such times and on such principle having regard to all the circumstances of the case as may be agreed between the Corporation and the London Council or as failing agreement may be determined by an arbitrator appointed by the Corporation and the London Council or in case of difference as to the appointment to be appointed by the Local Government Board and such arbitrator shall be deemed to be an arbitrator within the meaning of the Lands Clauses Acts and the provisions of those Acts with respect to an arbitration shall apply accordingly and further the arbitrator may state a special case provided that notwithstanding anything in the said Acts the costs of such arbitration shall be in the discretion of the arbitrator who shall determine the amount of the costs and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily and any other costs which he considers to have been incurred unnecessarily.

(10.) Any payments required to be made by the Corporation to the London Council under any agreement between the London Council and the Corporation under this section or under any award of any arbitrator under this section shall be deemed to be expenses incurred by the Corporation in the execution of the Public Health Act 1875 and if at any time the Corporation fail to make any of such payments at the times agreed or determined by the arbitrator it shall be lawful for the London Council to proceed to recover the same with costs from the Corporation and the amount thereof shall be charged on and defrayed out of the district fund and general district rate in accordance with the said Act.

[*The remainder of this Act does not affect London.*]

CHAPTER CCXI.

AN ACT TO REGULATE THE EXPENDITURE OF MONEY BY THE LONDON COUNTY COUNCIL ON CAPITAL ACCOUNT DURING THE CURRENT FINANCIAL PERIOD AND THE RAISING OF MONEY TO MEET SUCH EXPENDITURE. [24th August 1893.]

[*Preamble.*]

Short title.

1. This Act may be cited for all purposes as the London County Council (Money) Act 1893 and the London County Council (Money)

Acts 1875 to 1892 and this Act may be cited together as the London County Council (Money) Acts 1875 to 1893.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts 1869 to 1871 and the London County Council (Money) Acts 1875 to 1892 but all consolidated stock created by the Council shall be charged on the county rate in substitution for the consolidated rate.

Construction of Act.

3. In and for the purposes of this Act—

The expression “the Council” shall mean the London County Council;

Interpretation.

The expression “the financial year” shall mean the period from the first day of April one thousand eight hundred and ninety-three to the thirty-first day of March one thousand eight hundred and ninety-four both dates inclusive;

The expression “the following six months” shall mean the period from the first day of April one thousand eight hundred and ninety-four to the thirtieth day of September one thousand eight hundred and ninety-four both dates inclusive;

The expression “the financial period” shall mean the current financial year of the Council and the following six months.

[Part omitted (definition of “Main Drainage Acts”) spent.]

4—6. [Power to the Council during the financial period to expend money for sundry purposes. Spent.]

7. [Power to the Council during the financial period to lend to vestries, district boards, and other public bodies in London. Spent. Provision as to repayment identical with such provision in 55 & 56 Vict. c. cccxxvii. s. 7.]

8. [Power to the Council during the financial period to lend to boards of guardians in London. Spent. Provision as to repayment identical with such provision in 54 & 55 Vict. c. 62, s. 9.]

9. [Power to the Council during the financial period to lend to the Managers of the Metropolitan Asylum District. Spent.]

10. [Power to the Council during the financial period to lend to the School Board for London. Spent. Provision as to repayment superseded 2 Edw. 7, c. 42, s. 5, and 2nd Sch., and 3 Edw. 7, c. 24. See also the Public Works Loans Act 1905, s. 3 (see Appendix).]

11. [Protection of the Council in case of certain loans. Identical with 54 & 55 Vict. c. 62, s. 13.]

12. In order to raise the money for the several purposes for which the Council are by this Act authorised to expend or lend money the Council may from time to time create consolidated stock and the following provisions shall have effect.

Power to raise consolidated stock.

[Sub-ss. (i.) and (vi.) identical with 55 & 56 Vict. c. cccxxvii. s. 12 (i.) and (vii.), and sub-ss. (ii.), (iii.), (iv.), (v.), and (vii.) identical with 54 & 55 Vict. c. 62, s. 14 (ii.), (iii.), (iv.), (v.), and (vii.).]

13. [Power to the Council within 12 months after the issue of stock to apply money raised by stock to make up dividends from fixed dates. Spent.]

14. [The provisions of 54 & 55 Vict. c. 62, ss. 16—20 to apply to the purposes of this Act. Spent.]

15. [*The limitation on the borrowing power of the Council contained in s. 38 of 32 & 33 Vict. c. 102 not to extend to money raised under this Act.*]

16. [*Limit to the exercise of borrowing powers by the Council during the financial period. Spent.*]

17. [*Incorporation of ss. 27—43 of 48 & 49 Vict. c. 50. Identical with 52 & 53 Vict. c. 61, s. 26.*]

As to payments under this Act.

18. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (expenses of obtaining Act) spent.*]

SCHEDULE. [*Particulars of purposes for which moneys may be raised under this Act, and of the sums authorised to be raised for such purposes. Spent.*]

CHAPTER CCXXI.

AN ACT TO PROVIDE FOR THE REPRESENTATION OF CERTAIN COUNTY COUNCILS ON THE THAMES CONSERVANCY BOARD TO EMPOWER THE COUNCIL TO PROHIBIT OR REGULATE THE ERECTION OF DWELLING-HOUSES ON LOW LANDS SUBJECT TO FLOODS TO CONFER POWERS ON THE COUNCIL WITH RESPECT TO THEIR PROCEDURE INVESTIGATIONS ON VARIOUS SUBJECTS PREVENTION OF EPIDEMIC DISEASES THE REQUIRING OF RETURNS THE RE-ARRANGEMENT OF WARDS COMPENSATION TO WORKMEN AND ELECTRIC LIGHTING TO PROVIDE AGAINST THE GIVING OF FALSE ALARMS OF FIRE TO EXTEND AND EXPLAIN THE POWERS OF THE COUNCIL WITH RESPECT TO SKY SIGNS AND WITH RESPECT TO BANDS AND TO CONFER CERTAIN POWERS ON VESTRIES AND DISTRICT BOARDS.

[24th August 1893.]

[*Preamble recites the Thames Conservancy Act 1857* ; 50 & 51 Vict. c. clxxii. ; 51 & 52 Vict. c. lvii. ; 53 & 54 Vict. c. cexliii. ; 54 & 55 Vict. c. lxxviii.*]

Short title.

1. This Act may be cited as the London County Council (General Powers) Act 1893.

Interpretation of terms.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :—

“The Council” means the London County Council ;

“The county” means the administrative county of London.

3—4. [*As to representation of county councils on the Thames Conservancy Board ; and requiring that Board, and if they fail to do so authorising the Council, to introduce in the session 1894 a Bill for reconstituting the Conservancy. Rep. 57 & 58 Vict. c. clxxxvii. s. 4 (see Appendix).*]

5—9. [*Provisions as to dwelling-houses on low-lying lands, and as to a tribunal of appeal in such matters. Rep. 57 & 58 Vict. c. cexliii. s. 215. See ibid. ss. 122—124.*]

PROCEDURE OF COUNCIL.

10. In regard to the meetings and proceedings of the Council the provisions contained in the schedule to this Act shall have effect in

* Rep. by the Thames Conservancy Act 1894 (see Appendix).

As to meetings, etc.

substitution for the provisions contained in the Second Schedule of the Municipal Corporations Act 1882* and subject to the provisions of the said schedule the Council may from time to time make standing orders for the regulation of their proceedings and business and vary or revoke the same. [See also 53 & 54 Vict. c. cexliii. s. 23.]

RECOGNIZANCES ON BEHALF OF COUNCIL.

11. Where by virtue of any Act of Parliament or rules of court or otherwise requiring any party to the prosecution of any appeal or other legal proceeding to enter into any recognizance the Council would as such party be required to enter into any recognizance then such requirement shall be deemed to be satisfied on the entry of appeal or undertaking of such proceeding by the Council but in every such case the Council shall be liable as if recognizances had been entered into for such sum if any as is required by such Act or rules in case of any such appeal and all entries of appeals and other proceedings as aforesaid shall be made and taken as if recognizances had been so entered into.

Recognizances in appeals not to be required.

POWER TO EXPEND MONEY IN INVESTIGATION.

12. From and after the passing of this Act the Council shall have power to expend money in investigating subjects of general importance to the inhabitants of the county as such. Provided that this section shall not authorise the Council to expend in any one financial year any greater sum than one thousand pounds in relation to subjects with regard to which but for this enactment the Council would not have power to expend money.

As to investigations.

PREVENTION OF EPIDEMIC DISEASE.

13. The Local Government Board may assign to the Council any powers and duties under the epidemic regulations made in pursuance of section 134 † of the Public Health Act 1875 which they may deem it desirable should be exercised and performed by the Council.

Assignment of certain powers to Council by Local Government Board.

If the Local Government Board are of opinion that any sanitary authority in whose default the Council have power to proceed and act under the Public Health (London) Act 1891 is making or is likely to make default in the execution of the said regulations they may by order assign to the Council for such time as may be specified in the order such powers and duties of the sanitary authority under the regulations as they may think fit. Where any such order has been made the expenses incurred by the Council in pursuance of the order shall be recoverable from the sanitary authority in manner provided by sub-section 3 of section 101 of the Public Health (London) Act 1891. [See 54 & 55 Vict. c. 76, ss. 100, 101, and 113.]

RETURNS.

14.—(1.) The Council may from time to time require the guardians of the poor the overseers and any other rating authorities having powers within the county to return for the use of the Council such copies of their valuation lists reports and accounts and other information with respect to rating matters as the Council may require for purposes of statistical information :

Council may require copies of returns.

Provided always that as regards the four Inns of Court mentioned

* See Appendix.

† See 54 & 55 Vict. c. 76, s. 113, and 1st Schedule.

in Schedule C to the Metropolis Management Act 1855 the provisions of this section shall extend only to information required by the Council relating specifically to rating matters.

(2.) The Council may from time to time with the sanction of the Charity Commissioners require any vestry* to return for the use of the Council copies of any returns in their possession as to charity property belonging to their respective parishes and districts.

(3.) The Council shall if required by any such guardians overseers vestry* or other authority repay to them the reasonable cost incurred by them in supplying such copies and giving such information as the Council may require under this section. [*See also 18 & 19 Vict. c. 120, s. 171 and notes thereon: 32 & 33 Vict. c. 67, s. 14; and 38 & 39 Vict. c. 65, s. 14.*]

15. [*As to re-arrangement of wards. Rep. 62 & 63 Vict. c. 14, s. 35; see ibid. s. 25.*]

FIRE ALARMS.

False alarms
of fire.

16. Any person giving a false alarm of fire to the Metropolitan Fire Brigade† or any officer thereof whether by means of a street fire alarm or otherwise shall be deemed guilty of an offence punishable on summary conviction and shall on conviction for such offence by a court of summary jurisdiction be liable for every such offence to a penalty of not exceeding twenty pounds.

17. [*Amendment of the London Sky Signs Act 1891. Rep. 57 & 58 Vict. c. ccxiii. s. 215. See ibid. ss. 125—135.*]

AMENDMENT OF SECTION 21 OF THE LONDON COUNCIL (GENERAL POWERS) ACT 1890.

Further
powers as to
provision of
bands.

18. The provisions of section 21 of the London Council (General Powers) Act 1890 with respect to music in parks shall be deemed to extend to and authorise the Council to maintain public bands or to make contributions by way of subsidy to public bands to provide music in any place within the county in which the Council shall think it desirable that music should be provided.

19. [*As to compensation to workmen employed in the construction of the Blackwall Tunnel. Spent.*]

ELECTRIC LIGHTING.

Powers as to
lighting
embankment
and bridges.

20. The Council for the purpose of lighting with electricity the Victoria Embankment and the gardens thereon and the Westminster and Waterloo Bridges may erect maintain and use such works buildings and appliances as they may find convenient on or under any part of the land on the said embankment (not being more than seven hundred feet from any part of the Charing Cross Railway Bridge) which is bounded on the west by the said bridge on the south by the roadway of the Victoria Embankment on the east by Waterloo Bridge and on the north by an imaginary line drawn along the centre of the garden from its eastern end near Waterloo Bridge to its western end near the Charing Cross Railway Bridge and they may upon any part of the said embankment gardens and bridges erect place and maintain such posts standards wires and appliances as they may find convenient for that purpose:

Provided that the powers of this section shall not extend to empower the Council to place or maintain any appliances (other than posts standards wires and lighting apparatus) upon any

* Now the Council of a Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

† Now the London Fire Brigade. See 4 Edw. 7, c. ccxlv. s. 46.

gardens on the Victoria Embankment to the south-west of the Charing Cross Railway Bridge without the consent of the Commissioners of Woods.

21.—(1) All works executed by the Council in exercise of the powers of the preceding section shall be so constructed maintained and used as to prevent any injurious affection to the telegraphic lines from time to time belonging to or used by the Postmaster General or the currents therein.

For protection of telegraphic lines.

(2) The Council shall one month before any works are commenced in under or over any street or bridge under the powers of this part of this Act give notice in writing to the Postmaster General accompanied by plans and sections of such works and shall conform with such reasonable requirements as may from time to time be made by the Postmaster General for the purpose of preventing any of his telegraphic lines as aforesaid from being injuriously affected.

(3) The expression "telegraphic line" has the same meaning in this section as in the Telegraph Act 1878 and a telegraphic line shall be deemed to be injuriously affected if telegraphic communication by means thereof is whether through induction or otherwise in any manner affected. [*See note on 54 & 55 Vict. c. lxxvii. s. 2.*]

22. For the protection of the Metropolitan District Railway Company (herein-after called "the District Company") the following provisions shall unless otherwise agreed between the Council and the District Company be observed and have effect (that is to say):—

For the protection of the Metropolitan District Railway Company.

(1) The Council shall so erect place or maintain any works under the powers of this part of this Act and shall so use any electric circuits and other electric appliances provided under those powers as not to cause any injurious interference by induction or otherwise with the electric circuits from time to time used on the District Railway by the District Company for the purpose of telegraphic or telephonic communication or electric signalling or with the currents in such circuits. Provided that as regards electric circuits erected or provided by the District Company after the passing of this Act this sub-section shall only apply if such electric circuits have been erected or provided on the railway or works of the District Company and if reasonable and proper precautions have been taken by the District Company in the erection or provision of such circuits to prevent induction or other interference;

(2) At least seven days before commencing to erect or provide any electric circuit or other electric appliances under this part of this Act or to supply electricity through any such electric circuit the Council shall give to the District Company notice in writing specifying full particulars including the course nature and gauge of such electric circuit and the amount nature and voltage of the current intended to be sent along the same and the Council shall conform with such reasonable requirements as may from time to time be made by the District Company for the purpose of preventing in accordance with this Act the communication through the circuits wires or lines on the District Railway from being injuriously affected;

- (3) For the purpose of this section an electric circuit used for any of the purposes mentioned in this section shall be deemed to be injuriously affected by an act or work if electrical communication by means of such circuit is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work ;
- (4) If any disturbance be at any time occasioned to the telegraphic or telephonic communication or to the electric signalling or to the electric circuits or any other electrical appliance used by the District Company by or in consequence of the works or electric circuits of the Council the District Company may serve notice in writing on the Council thereof and thereupon the Council shall with all reasonable despatch make such alterations in any of their works or electric circuits as may be necessary to prevent such disturbance in future And unless after the service of such notice the Council proceed with all reasonable despatch to remedy the disturbance the District Company may (in addition to any other remedy) execute all such work as may be necessary for remedying and preventing such disturbance and any cost reasonably incurred by the District Company for that purpose shall be repaid to them by the Council on demand ;
- (5) The Council shall make compensation to the District Company for any loss or damage which they may incur by reason of any act or default of the Council in relation to the matters referred to in this section and such compensation shall be recoverable from the Council by the District Company in any court of competent jurisdiction ;
- (6) Subject to the provisions of this section as to compensation if any difference shall arise between the Council and the District Company as to whether the Council have constructed their electric circuits or other works or worked the same in contravention of this section or as to the character and extent of the works provided for by this section or the reasonableness of the cost incurred by the District Company in the execution thereof or with respect to any other matter in this section contained such difference and the expense of determining the same shall be settled by the Board of Trade on the application of either party :

Provided always that if the Council or the District Company at any future time apply to Parliament to repeal or amend the foregoing provisions in accordance with the report of a joint committee of both Houses of Parliament (whether such report shall or shall not be retrospective in its recommendations) the said Company or the Council as the case may be shall not be entitled to oppose such application except on details.

POWERS TO VESTRIES.

23. Any person found within or attempting to enter any sewer of any vestry* or district board of works* acting under the Metropolis Management Act 1855 and the Acts amending the same without their permission shall be liable to a penalty of not exceeding forty shillings and it shall be lawful for any officer of such vestry*

* Now the Council of a Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

or district board * to eject and remove any such person from any such sewer and in the event of the name and address of such person not being known to detain him and hand him over to any police constable and any such person may be dealt with before any court of summary jurisdiction in accordance with the Summary Jurisdiction Acts as defined by the Summary Jurisdiction Act 1879. [See also 53 & 54 Vict. c. cxliii. s. 39.]

24. Any vestry * or district board * constituted and acting under the Metropolis Management Act 1855 and the Acts amending the same may erect any hall or other building to be used for the purposes of business or to be used partly for the purposes of business and partly for the purposes of public meetings assemblies entertainments libraries and other like purposes and they may adapt or alter any building now used by them for the purposes of a town hall or offices for use for any of the purposes aforesaid and the expenses so incurred by them shall be deemed to be expenses incurred by them under and for the purposes of the said Acts and may be raised and defrayed accordingly. Any expenses incurred for any like purposes within the two years preceding the passing of this Act shall be deemed to be expenses authorised by this section and may be raised and defrayed accordingly. [*Amended by the Metropolitan Boroughs (Officers) Scheme 1901 made under 62 & 63 Vict. c. 14.†*]

Public buildings of vestries and district boards.

25.—(1) All penalties recoverable by the Council under this Act shall be recoverable by the Council in a summary way. Application of penalties.

(2) All penalties which may be recovered under any of the provisions of this Act shall notwithstanding anything contained in any Act to the contrary if recovered by the Council be paid to the Council and be carried by them to the credit of the county fund.

26. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (expenses of obtaining Act) spent.*]

As to payments under this Act.

The SCHEDULE referred to in the foregoing Act.

MEETINGS AND PROCEEDINGS OF COUNCIL.

1. The chairman may at any time call a meeting of the Council.
2. If the chairman refuses to call a meeting after a requisition for that purpose signed by twenty members of the Council has been presented to him the members of the Council signing the requisition may forthwith on that refusal call a meeting. If the chairman (without so refusing) does not within seven days after such presentation call a meeting the said members of the Council may on the expiration of those seven days call a meeting.

* Now the Council of a Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

† S. 1 of this scheme is as follows:

In the said section twenty-four of the London County Council (General Powers) Act 1893, the expression "business" shall include any business transacted or to be transacted by the council of a metropolitan borough and their committees and officers in the exercise or performance of any power or duty transferred to, or conferred or imposed on, the council or any of their committees and officers by or under the Act or otherwise, and whether as successors to any vestry or district board or otherwise; and the expenses of acquiring land for the purpose of the erection of, and the expenses of fitting and furnishing, such hall or other building as aforesaid may be raised and defrayed in the same manner as the expenses of the erection.

Provided that the section shall not apply to offices forming part of a building provided or to be provided under any of the Adoptive Acts and used or intended to be used solely for the purposes of those Acts.

[*I.e. the Baths and Washhouses Acts 1846—1896, the Burial Acts 1852—1885, and the Public Libraries Acts 1892 and 1893; see 62 & 63 Vict. c. 14, s. 31.*]

3. Forty-eight hours at least before any meeting of the Council notice of the time and place of the intended meeting signed by the chairman or if the meeting is called by members of the Council by those members shall be fixed on the offices of the Council Where the meeting is called by members of the Council the notice shall specify the business to be transacted thereat.

4. Forty-eight hours at least before any meeting of the Council a summons to attend the meeting specifying the business proposed to be transacted thereat and signed by the clerk of the Council shall be left or delivered by post at the usual place of abode of every member of the Council.

5. Want of service of the summons on any member of the Council shall not affect the validity of the meeting.

6. No business shall be transacted at a meeting other than that specified in the summons relating thereto except any matters of urgency brought up in accordance with any standing order made by the Council.

7. At every meeting of the Council the chairman of the Council if present shall be chairman of the meeting If the chairman be absent then the vice-chairman or the deputy chairman of the Council shall be chairman of the meeting If the chairman the vice-chairman and the deputy chairman are all three absent then such member of the Council as the members then present shall choose shall be chairman of the meeting.

8. Unless in any case otherwise provided by statute all acts of the Council and all questions coming or arising before the Council may be done and decided by the majority of such members of the Council as are present and vote at a meeting held in accordance with the provisions of this Act the whole number present whether voting or not not being less than one fourth of the number of the whole Council.

9. In case of equality of votes the chairman of the meeting shall have a second or casting vote.

10. Minutes of the proceedings of every meeting of the Council shall be drawn up and printed and shall be signed at the same or the next ensuing meeting by the chairman of the meeting at which the minutes are signed.

57 & 58 VICTORIA. A.D. 1894.

CHAPTER 53.

AN ACT TO MAKE BETTER PROVISION FOR THE EQUALISATION OF
RATES AS BETWEEN THE DIFFERENT PARTS OF LONDON.

[25th August 1894.]

Equalisa-
tion of
sanitary
authorities
rates by
general
rate over all
London.

1.—(1.) For aiding the equalisation of the rates in London, the London County Council shall in every year form a fund (in this Act called the Equalisation Fund) equal to a rate of sixpence in the pound on the rateable value of London according to the valuation lists as they stand on the sixth day of April in that year.

(2.) The London County Council shall half-yearly determine the contribution from each parish in London to one half of the Equalisation Fund, and the grant due from that one half of the fund to each parish.

(3.) They shall determine the contribution by apportioning the amount of half the Equalisation Fund among the parishes in proportion to their rateable value according to the said valuation lists.

(4.) They shall determine the grant due by apportioning the amount of half the Equalisation Fund among the sanitary districts in proportion to their population, and where a sanitary district comprises two or more parishes by dividing that grant among those parishes in proportion to their population, with this exception, that where the aggregate of the contributions from the parishes in the district is less than the grant apportioned to the district, the difference shall be paid out of the Equalisation Fund to the sanitary

authority of the district, and no payment towards any equalisation charge shall be required from any parish in the district.

(5.) Subject as aforesaid, where the contribution from a parish—

(a) is less than the grant due, the difference shall be paid out of the Equalisation Fund to the sanitary authority of the district forming or comprising the parish; but

(b) if it exceeds the grant due to the parish, the council shall, for the special purpose of meeting the excess, levy on the parish a county contribution (called the equalisation charge) as a separate item of the county rate.

(6.) Every sum paid under this section to a sanitary authority shall be applied in defraying the expenses of the sanitary authority incurred under the Public Health (London) Act, 1891, and so far as not required for that purpose those incurred in respect of lighting, and so far as not required for that purpose those incurred in respect of streets: Provided that where the district of such sanitary authority comprises two or more parishes, the sum paid shall be apportioned among the parishes in proportion to their population, and the amount so apportioned to each parish shall be credited to the parish in reduction of the rates required from such parish towards the above-mentioned expenses.

(7.) Every sanitary authority to whom a sum is paid under this Act in any year shall, within the prescribed time after the following thirty-first day of March, render to the Local Government Board a true account in the prescribed form showing, for the twelve months preceding the said day, the total amount of the sum so paid, and the total amount of the expenses incurred by the authority under each of the following heads:—

(a) under the Public Health (London) Act, 1891;

(b) in respect of lighting; and

(c) in respect of streets;

and showing the amount expended in respect of each head out of the sums paid to such authority under this Act.

(8.) Where the Local Government Board under section one hundred and one of the Public Health (London) Act, 1891, are satisfied that a sanitary authority have been guilty of such default as in that section mentioned, and have made an order limiting a time for the performance of the duty of the authority, the London County Council shall, if so directed by the Local Government Board, withhold the whole or any part of the payment (if any) next accruing due from the Equalisation Fund to such sanitary authority.

Any sums which may during any financial year be withheld in accordance with the foregoing enactment shall be carried forward to the credit of the Equalisation Fund in the following year, and the amount to be apportioned among the sanitary districts for determining the grant due shall be proportionately increased.

(9.) The account of the Equalisation Fund shall be a separate account of the county fund.

2. The Local Government Board shall by order prescribe the forms of contribution orders, precepts, demand notes, and receipts, so far as seems to the Board to be necessary for stating therein as a separate item any equalisation charge, and any credit in respect of a receipt under this Act which affects the sum named therein.

3. (1.) [*A census to be taken of the population within each parish in London on the night of 28th March 1896. Spent.*]

(2.) The authority making the poor rate * in each such parish shall in every year make to the Local Government Board a return of the total number of houses entered in the rate book of their parish. The return shall be made at such time and in such form, and the numbers shall be ascertained, and the return shall be verified, in such manner as may be prescribed. The Local Government Board shall forward such returns to the Registrar General, and thereupon he shall estimate the population of the parish on the sixth day of April in that year, and the population so estimated shall for the purposes of this Act be the population of the parish during the twelve months beginning on that day.

(3.) [*As to the first return under this section. Spent.*]

(4.) If any authority making the poor rate fail to make a return under this section within one month after the time at which such return is required, each of the persons constituting the authority who is in fault shall be liable on summary conviction to a fine not exceeding fifty pounds, and not exceeding ten pounds for every day during which the failure continues after the first conviction for such failure.

Definitions,
commence-
ment of Act,
short title.

54 & 55 Vict.
c. 76.

4.—(1.) In this Act, unless the context otherwise requires,—

The expression “London” means the administrative county of London.

The expression “sanitary authority” has the same meaning as in the Public Health (London) Act, 1891, but does not include the port sanitary authority, and “sanitary district” means the district of any authority as so defined. †

The expression “population” means population according to the last published census for the time being, including the census taken in pursuance of this Act, or in any year in which a census is not taken according to the population estimated by the Registrar General under this Act.

The expression “prescribed” means prescribed by the Local Government Board.

(2.) [*Commencement of Act (except for census purposes) 30th September 1894.*]

(3.) This Act may be cited as the London (Equalisation of Rates) Act, 1894.

CHAPTER CXXIV.

AN ACT TO CONFIRM CERTAIN PROVISIONAL ORDERS OF THE LOCAL GOVERNMENT BOARD RELATING TO THE COUNTIES OF THE ISLE OF WIGHT, LONDON, AND WEST SUSSEX, AND TO THE BOROUGHES OF MARGATE AND TUNBRIDGE WELLS. [20th July 1894.]

[*Preamble recites 51 & 52 Vict. c. 41.*]

Orders
in schedule
confirmed.

1. The Orders as altered and set out in the Schedule hereto shall be and the same are hereby confirmed, and all the provisions thereof shall have full validity and force.

Short title.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 12) Act, 1894.

* See 62 & 63 Vict. c. 14, ss. 10 (2) and 11.

† See 54 & 55 Vict. c. 76, ss. 39 and 111.

SCHEDULE.

*London
Order.*

COUNTY OF LONDON.

Provisional Order under Section 10 of the Local Government Act, 1888.

To the Commissioner and Assistant Commissioners of Police of the Metropolis;—

To the London County Council;—

And to all others whom it may concern.

WHEREAS by Section 10 of the Local Government Act, 1888, it is enacted 51 & 52 Vict. c. 41.
as follows:—

“(1.) After the passing of this Act it shall be lawful for the Local Government Board to make from time to time a Provisional Order
“for transferring to County Councils—

“(a) any such powers, duties, and liabilities of Her Majesty's Privy Council, a Secretary of State, the Board of Trade, the Local Government Board, or the Education Department, or any other Government department, as are conferred by or in pursuance of any statute and appear to relate to matters arising within the county, and to be of an administrative character: also

“(b) any such powers, duties, and liabilities arising within the county, of any commissioners of sewers, conservators, or other public body, corporate or unincorporate (not being the corporation of a municipal borough or an urban or rural authority, or a school board, and not being a board of guardians) as are conferred by or in pursuance of any statute;

“and such Order shall make such exceptions and modifications as appear to be expedient, and also such provisions as appear necessary or proper for carrying into effect such transfer, and for that purpose may transfer any power vested in Her Majesty in Council:

“(2.) Provided that before any such Order is made, the draft thereof shall be approved, if it relates to the powers, duties, or liabilities of a Secretary of State, or the Board of Trade, or any other Government department, by such Secretary of State, Board, or department, and approved, if it affects the powers, duties, or liabilities of any commissioners, conservators, or body, corporate or unincorporate, by such commissioners, conservators, or body; and every such Provisional Order shall be of no effect until it is confirmed by Parliament.

“(4.) The Act of Parliament confirming any Provisional Order made under this section shall be a public general Act”;

And whereas the Commissioner of Police of the Metropolis, or one of the Assistant Commissioners of Police of the Metropolis, nominated by one of Her Majesty's principal Secretaries of State in that behalf, is the local authority for executing within so much of the Metropolitan Police District as is comprised within the administrative county of London the unrepealed provisions of the Common Lodging Houses Act, 1851, and the Common Lodging Houses Act, 1853; 14 & 15 Vict. c. 28.

And whereas the draft of this Order has been approved by the Commissioner of Police of the Metropolis, and by the Assistant Commissioner of Police so nominated as aforesaid: 16 & 17 Vict. c. 41.

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by section 10 of the Local Government Act, 1888, and by any other statutes in that behalf, do hereby order that the following provisions shall take effect:—

Art. I. The several expressions in this Order shall have the same meanings as in the Local Government Act, 1888.

Art. II. This Order shall come into operation on the first day of November, one thousand eight hundred and ninety-four.

Art. III. The powers, duties, and liabilities of the Commissioner of Police of the Metropolis, or of any Assistant Commissioner of Police of the Metropolis so nominated as aforesaid, as the local authority for executing within so much of the Metropolitan Police District as is comprised within the administrative county of London the unrepealed provisions of the Common Lodging Houses Act, 1851, and the Common Lodging Houses Act, 1853, shall be transferred to the London County Council; who shall defray, out of the county fund, the expenses incurred by them as such local authority:

Provided that the keeper of a common lodging house, and every other person

London Order.

having or acting in the care or management thereof, shall at all times, when required by any officer of the Metropolitan Police Force, give him free access to such house or any part of it.

Art. IV. [*As to pending actions or proceedings. Spent.*]

Art. V. Any regulations made in pursuance of section 9 of the Common Lodging Houses Act, 1851, which are in force on the said first day of November, one thousand eight hundred and ninety-four, shall continue in force in like manner and with the like effect in all respects as if they had been made by the London County Council, until revoked by other regulations made by that County Council under the said section. [*See also 2 Edw. 7, c. clxxiii. s. 53.*]

Art. VI. This order may be cited as the County of London (Common Lodging Houses) Order, 1894.

(Given under the Seal of Office of the Local Government Board, this seventh day of May, one thousand eight hundred and ninety-four.

(L.S.)

G. SHAW-LEFEVRE, President.

HUGH OWEN, Secretary.

[*Parts omitted (other Orders) do not refer to London.*]

CHAPTER CLXIII.

AN ACT TO REGULATE THE EXPENDITURE OF MONEY BY THE LONDON COUNTY COUNCIL ON CAPITAL ACCOUNT DURING THE CURRENT FINANCIAL PERIOD AND THE RAISING OF MONEY TO MEET SUCH EXPENDITURE.

[17th August 1894.]

[*Preamble.*]

Short title.

1. This Act may be cited for all purposes as the London County Council (Money) Act 1894 and the London County Council (Money) Acts 1875 to 1893 and this Act may be cited together as the London County Council (Money) Acts 1875 to 1894.

Construction of Act.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts 1869 to 1871 and the London County Council (Money) Acts 1875 to 1893 but all consolidated stock created by the Council shall be charged on the county rate in substitution for the consolidated rate.

Interpretation.

3. In and for the purposes of this Act—

The expression “the Council” shall mean the London County Council ;

The expression “the financial year” shall mean the period from the first day of April one thousand eight hundred and ninety-four to the thirty-first day of March one thousand eight hundred and ninety-five both dates inclusive ;

The expression “the following six months” shall mean the period from the first day of April one thousand eight hundred and ninety-five to the thirtieth day of September one thousand eight hundred and ninety-five both dates inclusive ;

The expression “the financial period” shall mean the current financial year of the Council and the following six months.

[*Part omitted (definition of “Main Drainage Acts”) spent.*]

4—6. [*Power to the Council during the financial period to expend money for sundry purposes. Spent.*]

7. [*Power to the Council during the financial period to lend to vestries, district boards, and other public bodies in London. Spent.—Provision as to repayment identical with such provision in 55 & 56 Vict. c. cxxxviii. s. 7.*]

8. [Power to the Council during the financial period to lend to boards of guardians in London. Spent.—Provision as to repayment identical with such provision in 54 & 55 Vict. c. 62, s. 9.]

9. [Power to the Council during the financial period to lend to the managers of the Metropolitan Asylum District. Spent.]

10. [Power to the Council during the financial period to lend to the School Board for London. Spent.—Provision as to repayment superseded 2 Edw. 7, c. 42, s. 5, and 2nd Schedule; and 3 Edw. 7, s. 24. See also the Public Works Loans Act 1905, s. 3. (See Appendix.)]

11. [Protection of the Council in case of certain loans. Identical with 54 & 55 Vict. c. 62, s. 13.]

12. [Power to the Council to raise consolidated stock. Identical with 56 & 57 Vict. c. cxxi. s. 12.]

13. [Power for the Council within 12 months after issue of stock to apply money raised by stock to make up dividends from fixed dates. Spent.]

14. [The provisions of ss. 16—20 of 54 & 55 Vict. c. 62 to apply to the purposes of this Act. Spent.]

15. [The limitation on the borrowing powers of the Council contained in s. 38 of 32 & 33 Vict. c. 102 not to extend to money raised under this Act.]

16. [Limit to the exercise of borrowing powers by the Council during the financial period. Spent.]

17. [Incorporation of ss. 27—43 of 48 & 49 Vict. c. 50. Identical with 52 & 53 Vict. c. 61, s. 26.]

18. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [Part omitted (as to expenses of obtaining this Act) spent.]

SCHEDULE. [Particulars of purposes for which moneys may be raised under this Act, and of the sums authorised to be raised for such purposes. Spent.]

As to payments under this Act.

CHAPTER CLXXXV.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO MAKE STREET IMPROVEMENTS TO PURCHASE LANDS AND TO ACQUIRE THE GARDEN IN LINCOLN'S INN FIELDS TO EXTEND THE TIME LIMITED FOR CERTAIN AUTHORISED IMPROVEMENTS AND FOR OTHER PURPOSES.

[17th August 1894.]

[Preamble recites (inter alia) that by certain articles of agreement bearing date the 19th June 1657 made between Sir William Cowper of Ratling Court in the county of Kent Baronet Robert Henley of the Middle Temple London Esquire and James Cowper of Lincoln's Inn in the county of Middlesex Esquire of the one part the Masters of the Bench of the said Society of Lincoln's Inn and persons nominated in trust for the said society of the other part after reciting that the said Sir William Cowper Robert Henley and James Cowper were interested in the inheritance of the "Cup Field" in an indenture to the said articles annexed mentioned and had designed certain rows

or ranges of buildings therein described and also reciting that the said Society of Lincoln's Inn were interested in the benefit and advantage of the prospect and air of the said field but were willing that the said Sir William Cowper Robert Henley and James Cowper might proceed in their building with such caution and provision (inter alia) for levelling and plaining the said field and casting the same into walks and for prevention of any future building thereupon as in the said articles the indenture thereunto annexed and an indenture of demise bearing even date therewith was expressed it was covenanted and agreed by and between all the parties thereto that the two rows or ranges intended to be built as aforesaid should be constructed as therein set forth and that (inter alia) the rest of the said field should within two years then next be levelled plained and cast into grass plots and gravel walks of convenient breadth railed all along on each side and that for the future no building other than the said two rows or ranges should be erected upon the said field or any part thereof (except one water house in the middle of the said field) :

And the preamble recites that by indenture of feoffment with livery and seisin thereon endorsed bearing even date with the said recited articles and made between the same parties it is witnessed that the said Sir William Cowper Robert Henley and James Cowper (to the intent that the rest and residue of the said field might be kept open for the air and not built upon further than as by the said articles was agreed) in consideration of five shillings did grant bargain sell infeof and confirm unto the said Masters of the Bench of Lincoln's Inn and the said other trustees and the survivors and survivor of them and the heirs of such survivor all the rest residue or body of the said field therein called Copfield alias Cupfield containing by estimation from the east side of the said field lying next Lincoln's Inn wall aforesaid thirty pole be the same more or less and from the north side of the said field unto the south side thereof thirty and three pole more or less by agreement according to the said articles not to be built upon to hold unto the said trustees and the survivors and survivor of them and the heirs of such survivor to the use of them and their heirs for ever upon trust that they should presently after the sealing and delivery of the said indenture make a lease of the said premises to the said Sir William Cowper Robert Henley and James Cowper their executors administrators and assigns for the term of 900 years without impeachment of waste (other than the erecting new buildings) at one shilling per annum rent with a covenant amongst others on the part of the said Sir William Cowper Robert Henley and James Cowper that the said premisses should at all times thereafter remain and continue under the covenants limitations trusts and agreements therein and herein-before mentioned :

And the preamble recites that in and by one other indenture bearing date the 20th June 1657 the Masters of the Bench of Lincoln's Inn and other the trustees aforesaid did make a lease of the said field to the said Sir William Cowper Robert Henley and James Cowper for the said term of 900 years without impeachment of waste with a proviso to be void and for the said trustees re-entry in case of any building on the said field by the said Sir William Cowper Robert Henley and James Cowper :

And that in pursuance of the said agreements the said Sir William Cowper Robert Henley and James Cowper proceeded in and finished their said two rows of buildings on a certain field or parcel of ground called Pursfield and afterwards railed in the said field or parcel of

ground called Copfield alias Cupfield and at the extent of the said field westward caused posts to be set up and rails to be made cross from south to north bounding the same from the said field called Pursfield which said two fields called Copfield alias Cupfield and Pursfield (as stated in the Act next herein-after recited) contained the buildings and large square piece or parcel of ground now and for some years then past called Great Lincoln's Inn Fields:

And the preamble recites 8 Geo. 2, c. xxvi. and the provision made therein for the election of certain proprietors and inhabitants of the houses in Lincoln's Inn Fields to be trustees for enclosing repairing adorning and beautifying the great square in the said fields with power to levy rates not exceeding two shillings and sixpence in the pound on certain houses mentioned in the said Act: and recites the deposit with the Clerks of the Peace of London and Middlesex of plans sections and books of reference for the purposes of this Act.]

PART I.

INTRODUCTORY.

1. This Act may be cited as the London County Council Short title. (Improvements) Act 1894.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

"The Council" means the London County Council;

"The improvements" means the Highgate Archway improvement and the Wood Lane (Hammersmith) improvement by this Act authorised;

"Street" has the meaning assigned to that term in the Metropolis Management Act 1855 and the Acts amending the same.

[Parts omitted (definition of "two Justices," "lessee," and as to meanings of words in the Lands Clauses Acts incorporated, and of the expressions "superior courts" or "court of competent jurisdiction" in this Act and incorporated Acts) spent.]

3. [Incorporation of Lands Clauses Acts. Spent.]

PART II.

IMPROVEMENTS.

4. Subject to the provisions of this Act in the lines and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the Council may alter and reconstruct the bridge known as Highgate Archway and the approaches thereto carrying Hornsey Lane over the Archway Road in the parishes of Saint Mary Islington in the county of London and Saint Mary Hornsey in the county of Middlesex and in connexion with this alteration widen Hornsey Lane and widen and improve Archway Road between a point in the said parish of Saint Mary Islington about four chains to the southward of the said bridge and a point in the said parish of Saint Mary Hornsey about three chains to the northward of the said bridge.

The works authorised by this section are in this Act called "the Highgate Archway improvement."

Interpretation of terms.

Power to Council to make Highgate Archway improvement.

The Highgate Archway improvement shall be carried out by the Council according to plans signed by James Alexander Campbell the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred.

Power to
Council to
widen Wood
Lane Ham-
mersmith.

5. Subject to the provisions of this Act in the line and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the Council may widen Wood Lane in the parish of Saint Peter and Saint Paul Hammersmith at the southern end where it joins the Uxbridge Road the widening to extend from the Uxbridge Road northward for a distance of three chains or thereabouts to the wider portion of the said Wood Lane.

The works described in this section are in this Act included in the term "Wood Lane (Hammersmith) improvement."

6. [*Power to the Council to take the lands shown on the deposited plans. Spent.*]

Purchase of
land for
various
purposes.

7. Subject to the provisions of this Act the Council may purchase and take the lands herein-after described so far as they are delineated on the deposited plans and described in the deposited book of reference viz. :—

For the purposes of the Metropolitan Fire Brigade Act 1865—

Land with the buildings thereon in the parish of Saint Marylebone and county of London on the north-eastern side of Edgware Road being the premises numbered 492 494 496 and 498 in Edgware Road and Nos. 12 14 16 18 and 20 Lyons Mews ;

Land with the buildings thereon in the parish of Saint Mary Battersea near the Battersea Park Road situate adjoining and to the north or north-westward of the existing fire brigade station in Simpson Street Battersea Park Road and known as Rose Cottage and Rose Villa :

For the purposes of weights and measures office (Clerkenwell)—

Land with the houses and buildings thereon being the premises known as Nos. 39 41 and 43 Mount Pleasant and No. 1 Warner Street in the parish of Saint James and Saint John Clerkenwell in the county of London situate at the angle formed by the junction of Warner Street with Mount Pleasant :

For the purposes of the establishment of coroners courts and mortuaries—

Land in the parish of Saint Matthew Bethnal Green and county of London situate on the south-east side of Virginia Road being the premises numbered 4 6 8 10 and 12 in Virginia Road ;

Land and premises in the parish of Paddington situate at the northern end of Manor Place in rear of the houses on the south side of Cuthbert Street and on the western side of Hall Place lying to the east of Paddington churchyard and known as Manor House Laundry ;

Land and premises in the parish of Paddington situate on the southern side of Cuthbert Street adjoining the north-east corner of Paddington churchyard and known as Nos. 9 10 11 and 12 Cuthbert Street ;

Land and premises in the parish of Saint Mary Abbott Kensington situate on the north side of Church Court immediately in rear of the town hall bounded on the north and west by Kensington parish churchyard on the south by Church Court and on the east by Kensington National Schools and known as Nos. 9 and 19 Church Court.

[Part omitted (as to land at Hammersmith) *rep.* 59 & 60 *Vict.* c. clxxxviii. s. 9.]

8. [Confirmation of an agreement of 19th December 1893 between the Mayor, Commonalty, etc., of the City of London and the Council for the sale of lands on the Thames Embankment for a fire brigade station.]

9—15. [As to acquisition of easements—Errors in plans—Power to the Council to enter and survey property to be taken—As to arbitration—Power to the Council to stop up ways temporarily, to raise or lower streets, and to deciate. *Spent.*]

16. [Power to make subsidiary works, to interfere with drains or sewers on providing proper substitutes, which are to be under the same management as existing drains and sewers.]

17—18. [Alteration of gas, water, and other pipes—For protection of Gas Light & Coke Company. *Spent.*]

19. For the benefit and protection of the Governor and Company of the New River brought from Chadwell and Amwell to London (herein-after called “the New River Company”*) the following provisions shall have effect:—

For the protection of the New River Company.

(1.) The Council shall from time to time and at all times hereafter indemnify and save harmless the New River Company* against all loss costs charges damages and expenses whether immediate or consequential which they may sustain incur or be put unto by reason of any injury which may at any time be caused—

(a.) To their reservoir (herein-after referred to as “the Hornsey Lane reservoir”) which abuts upon the north side of Hornsey Lane and towards the east on Tile Kiln Lane :

(b.) To the engine house (herein-after referred to as “the Hornsey Lane engine house”) which abuts upon the north side of Hornsey Lane and towards the west on Tile Kiln Lane : and

(c.) Their mains and pipes now or hereafter to be laid in or under Hornsey Lane or Tile Kiln Lane—

by reason of any works or operations of the Council for or in connexion with the execution of the Highgate Archway improvement or the taking using or interfering with any land by the Council for the purposes of such improvement :

(g.) If any difference shall arise with respect to any matter under this section between the Council and the New River Company or their respective engineers or concerning any plans sections or descriptions to be delivered to the New River Company under the foregoing provisions of this Act the matter in difference shall be referred to and settled by an arbitrator to be mutually agreed upon or failing agreement by an arbitrator

* Now the Metropolitan Water Board. See 2 *Edw.* 7, c. 41.

to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the cost of such arbitration shall be borne and paid as the arbitrator shall direct :

- (3.) Notwithstanding anything in this Act contained it shall not be lawful for the Council except so far as may be absolutely necessary for the purpose of altering and reconstructing the Highgate Archway and the approaches thereto carrying Hornsey Lane over the Archway Road or for the purpose of widening Hornsey Lane to enter upon purchase take or use unless with the consent in writing of the New River Company under their common seal any of the lands belonging to the New River Company or to cut into or otherwise interfere with the retaining wall on such lands or any of the footings or buttresses thereof :

Provided that the Council may require the New River Company to grant to them a right of way over and along the strip of land four feet in width (to be retained by the New River Company) immediately adjoining the northern face on the western side of the archway when reconstructed for the purpose of inspecting and repairing such archway but the Council shall before exercising such right in each case (except of sudden emergency) give to the New River Company three clear days' notice of their intention so to do :

- (4.) Nothing in this section shall limit or restrict any obligation or liability of the Council in respect of any matter or thing not herein-before specifically provided for.

[Parts omitted (provisions applying during execution of works and within 5 years thereafter) spent.]

20. *[Power to the Council to lay out carriageways. Spent.]*

21. *[As to laying of pavements, and vesting the repair of the same in the authority in whom the repair of the street is vested or any other persons liable to repair the same.]*

22. *[Power to the Council to fill up sewers or drains on providing proper substitutes, which are to be under the same management as the existing sewers and drains.]*

23—25. *[Power to alter steps, areas, pipes, etc.—Periods for purchase of lands for improvements and for completion of improvements limited to 3 and 5 years respectively. Spent.]*

Completion
of Wood
Lane (Ham-
mersmith)
improve-
ment.

26. . . . *[Completion of Wood Lane (Hammersmith) improvement to be evidenced by a certificate of the Council.]* The land acquired by the Council for and thrown into the improvement shall be and remain vested in the Council and the maintenance repair paving cleansing and lighting thereof shall be under the care management control and jurisdiction of the authority in whom the management and repair of streets is vested in the same manner as other streets in their district.

27. *[Power to the Council to sell materials. Spent.]*

28—29. *[Power to the Council to lease surplus lands—As to sale of ground rents. Identical with 54 & 55 Vict. c. ccvi. ss. 28—29.]*

Council may
sell land in
the first in-
stance with-
out having

30. Subject to the provisions of this Act the Council may if they think it expedient so to do sell and dispose of in the manner herein-before directed all or any lands acquired under the powers of this Act and not required for the improvements without having previously

granted or agreed to grant any lease thereof for such price or prices or sum or sums of money as the Council shall think reasonable and subject to such stipulations and provisions for the enjoyment thereof and as to the nature of the buildings which are to be at all times erected and built thereon and also subject to such stipulations as to the title to be produced to the hereditaments to be sold as the Council shall think fit.

previously
granted a
lease thereof.

31—34. [*Power to the Council to let or exchange lands, to dispose of lands not wanted—Receipts of the Council to be effectual discharges—Power to the Council to make agreements with owners of property. Identical with 54 & 55 Vict. c. cxxvi. ss. 31—34.*]

35. [*As to re-housing labouring class persons displaced. Spent.*]

36. With respect to the Highgate Archway improvement the following provisions shall apply:—

Special provisions as to Highgate Archway improvement.

(ii.) When the Highgate Archway improvement is completed to the satisfaction of the County Council of Middlesex the Hornsey Local Board* and the Vestry of the parish of Saint Mary Islington† or in the event of difference between them to the satisfaction of an engineer to be appointed on the application of the Council or any of such bodies by the President for the time being of the Institute of Civil Engineers a certificate thereof shall be issued under the seals of such bodies or under the hands of the said referee as the case may be and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the said improvement as shall have been laid out for carriage-way or footway in accordance with the signed plans thereof herein-before mentioned shall form part of Hornsey Lane or Archway Road as the case may be and may be used by the public and shall be maintained repaired cleansed and lighted in the same manner as the adjoining parts of such lane or road respectively:

The cost of any referee appointed as aforesaid and of the reference shall be in the discretion of the referee:

The land acquired by the Council for and thrown into the improvement shall so far as situate in the county of London be and remain vested in the Council and shall so far as situate in the county of Middlesex be vested in the County Council of Middlesex:

The statutory and other provisions in force at the passing of this Act relating to the management repair paying cleansing and lighting of the said lane and road respectively and to the payment of the cost thereof shall extend and apply to the said lane and road as so widened:

Provided that from and after the completion of the reconstruction of Highgate Archway the structure of the said archway shall be maintained and repaired as a county bridge at the joint expense in equal shares of the Council

* Now the Council of the Municipal Borough of Hornsey.

† Now the Council of the Metropolitan Borough of Islington. See 62 & 63 Vict. c. 14, s. 4.

and the County Council of Middlesex : [See also 45 Vict. c. lvi. s. 41, and 55 & 56 Vict. c. ccxxxviii. s. 40.]

The work of maintenance and repair of the structure shall be executed either by the Council or the County Council of Middlesex as may be agreed between them or as in default of agreement may be determined by the Local Government Board :

- (iii.) No local authority body or person shall in the exercise of any powers by Act of Parliament or otherwise conferred upon or exercisable by them of breaking up or interfering with the New Highgate Archway or the roads and footways over the same or with the road and footways of the widened portion of Archway Road respectively for the purpose of executing any work therein thereon or thereunder cut into or interfere with the structure of the said archway except in accordance with such terms and conditions for the protection of the structure of the said archway or the retaining walls in Archway Road and works connected therewith as in default of agreement between such person on the one hand and the Council and the County Council of Middlesex on the other hand shall be determined by the Local Government Board.

[Parts omitted (For the protection of certain property and as to the position of the tramway in Archway Road authorised under the London Street Tramways Act 1888) spent.]

Highgate Archway improvement not to be deemed new street.

37. The Highgate Archway improvement shall not be deemed a new street within the meaning of section 105 of the Metropolis Management Act 1855.

38. [As to contributions to the Highgate Archway improvement by the Ecclesiastical Commissioners, the Middlesex County Council, the Hornsey Local Board, and the Islington Vestry. Spent.]

39. [As to separate accounts of the Highgate Archway improvement.]

40. [As to contributions by the Hammersmith Vestry to the Wood Lane improvement. Spent.]

41. [As to separate accounts for the Wood Lane improvement.]

42. [Amendment of 54 & 55 Vict. c. ccvi. s. 58. Spent.]

PART III.

EXTENSIONS OF TIME.

43—44. [Extending till 8th August 1897 the period for the completion of works authorised by 50 & 51 Vict. c. clxxii. and 51 & 52 Vict. c. lvii., and till 5th August 1897 the period for the purchase of certain lands, and till 5th August 1899 the period for the completion of certain works authorised by 54 & 55 Vict. c. ccvi. Spent.]

PART IV.

LINCOLN'S INN FIELDS.

Purchase of Garden of Lincoln's Inn Fields.

45.—(1.) Within three months after the passing of this Act the Council shall pay to the Trustees of Lincoln's Inn Fields the sum of twelve thousand pounds and in default of payment the said sum

may be sued for and recovered by the said trustees from the Council. Such payment shall for the purposes of section 76 of the Lands Clauses Consolidation Act 1845 be deemed to be the deposit in the bank of the purchase money or compensation payable in respect of all estates rights and interests in the garden in Lincoln's Inn Fields which is delineated on the deposited plans and described in the deposited book of reference under the number 1 in the parish of Saint Giles-in-the-Fields other than the reversion in fee in a portion thereof which is vested in trustees for the Society of Lincoln's Inn and the receipt of the Trustees of Lincoln's Inn Fields or any three of them shall be deemed to be the receipt of the cashier of the bank within the meaning of section 77 of the same Act.

(2.) The Council shall as from the date of the deed poll to be executed in accordance with the said section 77 and subject to the provisions herein-after contained hold the said garden and every part thereof as a public garden and shall lay out preserve and maintain the same and every part thereof for that purpose and shall keep the same properly railed and fenced.

(6.) From and after the date of transfer all the powers conferred on the trustees by the said Act of the eighth year of King George the Second chapter twenty-six shall be transferred to and vest in and may be exercised by the Council except that the powers of the trustees under the said Act to raise levy and collect the rates and duties authorised to be assessed and levied under that Act shall cease and the expenses of maintaining managing and preserving the said garden shall be paid by the Council.

For the protection of the owners lessees and occupiers of the houses in Lincoln's Inn Fields and of the Society of Lincoln's Inn respectively the following provisions shall have effect (that is to say) :—

(7.) No building shall be erected or maintained in any part of the garden other than the buildings now existing therein or such other buildings of a similar character as may be requisite in connection with the convenient use and maintenance of the garden as by this Act directed and no marquee or tent shall be erected in any part of the garden.

(8.) No building shall be erected within three hundred and fifty feet of the west side of the wall and gateway of the Society of Lincoln's Inn between Great Turnstile and Serle Street or within one hundred feet of the outer railings round the garden except buildings on the same site and of the same elevation and character in replacement of buildings now existing within the same limits.

(9.) No band or any other music shall be permitted to play in the garden before six p.m. on Mondays Tuesdays Wednesdays Thursdays or Fridays or before three p.m. on Saturdays or before one p.m. on Sundays.

(10.) No noisy games of any kind nor any exhibition or shows or dancing nor any public or other meetings shall be allowed in the garden or other use made of the garden which shall tend to the annoyance of the Society of Lincoln's Inn or its members or the inhabitants of houses in Lincoln's Inn Fields and due precautions shall be taken to preserve the ornamental trees and shrubs in the said garden from injury and the whole enclosure shall be used and properly maintained as a garden and for no other purpose.

(11.) Before the garden is opened to the public byelaws shall be framed by the Council for the regulation and management of the garden and for giving full effect to the foregoing provisions :

Subject to the provisions of this Act the garden shall be deemed to be included among the parks gardens and open spaces to which the provisions of the London Council (General Powers) Act 1890 with respect to Byelaws (Parks and Open Spaces) are applicable. [See also 61 & 62 Vict. c. cexxi. s. 61.]

(12.) Nothing in this Act contained shall affect the reversion of the Trustees of the Society of Lincoln's Inn in the garden of Lincoln's Inn Fields.

[Parts omitted (provisions as to application of the said £12,000 and any moneys in the hands of the Trustees of Lincoln's Inn Fields at the passing of the Act, and as to stamping of conveyance) spent.]

46. [As to compensation to Edward Upton, clerk and collector of the Trustees of Lincoln's Inn Fields.]

PART V.

FINANCIAL.

47. [Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council Money Acts 1895—1905.]

48. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [Part omitted (expenses of obtaining Act) spent.]

CHAPTER CCXII.

AN ACT TO MAKE FURTHER PROVISIONS WITH RESPECT TO THE USE OF FIRE HYDRANTS BYELAWS AS TO CONVEYANCE OF EXPLOSIVES OVER THE FERRIES OF THE LONDON COUNTY COUNCIL ENFORCEMENT OF FERRY BYELAWS THE PROTECTION OF SEWERS AND CONTRIBUTION TOWARDS PADDINGTON RECREATION GROUND. [25th August 1894.]

[Preamble.]

PART I.

INTRODUCTORY.

- Short Title.
- Application of Act.
- Interpretation.
1. This Act may be cited as the London County Council (General Powers) Act 1894.

2. This Act applies only to the administrative county of London which is in this Act referred to as "the county." [See note on part iv.]

3. In this Act words to which meanings are assigned by the Metropolis Management Act 1855 or the Acts amending the same shall when used in this Act have the same meanings as in the said Act.

PART II.

USE OF FIRE HYDRANTS.

4. It shall be lawful for the Council to enter into and carry into effect any agreement with the companies * supplying water in London and the vestries † and district boards of works ‡ in London or any of them respectively with respect to the use of fire hydrants for flushing and other purposes :

Agreements as to use of fire hydrants.

Provided that no agreement under this section with respect to any hydrant shall be valid unless the company * owning the main or pipe with which the hydrant is connected and the local authority (if any) to whom the hydrant belongs shall be a party thereto. [*See 28 & 29 Vict. c. 90, s. 32 and note thereon.*]

PART III.

EXPLOSIVES AT FERRIES—ENFORCEMENT OF BYELAWS.

5. Any person who shall offend against any byelaw of the Council prohibiting or regulating the conveyance by their ferries of explosives or other goods articles matters or things which in the opinion of the Council are or may be injurious to or prejudicially affect the use of any vessels used for the purpose of ferries or the traffic to be carried thereon shall be liable to a penalty of not exceeding twenty pounds. [*See 48 & 49 Vict. c. clxvii. s. 23, 60 & 61 Vict. c. cxxiv. s. 28; and 4 Edw. 7. c. cclii. ss. 22—24.*]

Enforcement of byelaws as to explosives at ferries.

6. The Council may in writing authorise any one or more of the principal officers in charge of their ferries or any other person specially appointed by them for the purpose to search any vehicle or packages and to open any packages tendered to them for transmission over any of their ferries or brought upon any piers landing-places or other ferry works of the Council and any officer so authorised being in uniform and on producing his authority if required may inspect any such vehicles or packages and open any packages if he has reason to suspect that such packages contain any goods articles matters or things which have been or may be declared by the byelaws of the Council to be injurious to or to prejudicially affect the use of any vessels used for the purpose of ferries or the traffic to be carried thereon.

Inspection and search for explosives.

7. Any constable or any officer of the Council authorised in writing to enforce byelaws of the Council relating to ferries and any person called to the assistance of such constable or officer may without other warrant than this Act seize and detain any person committing or having committed any offence against any such byelaw whose name or residence is unknown to and cannot be ascertained by such constable or officer and take him to a police station or before a Justice to be dealt with according to law :

Arrest of transient offenders against bye-laws.

Provided that any officer of the Council acting under this part of this Act and not being in uniform shall have with him a written authority from the Council to act and shall produce the same if required.

PART IV.‡

PROTECTION OF SEWERS.

8. Every person who—

(a) places or throws or causes to be placed or thrown or to fall : or

Regulating discharge of solid matter and refuse into sewers.

* Now the Metropolitan Water Board. See 2 Edw. 7. c. 11.

† Now the Councils of the Metropolitan Boroughs. See 62 & 63 Vict. c. 14, s. 4.

‡ This part of the Act is extended by 59 & 60 Vict. c. cxlviii. s. 13; 60 & 61 Vict. c. cclii. s. 59; 61 & 62 Vict. c. cxliii. s. 8; and 5 Edw. 7. c. cclii. s. 33 (9).

(b) knowingly permits to be placed or to fall or to be carried ;
or

(c) causes or knowingly permits to be placed in such a position
as to be liable to fall or to be carried

in or into any sewer of the Council or in or into any sewer or drain dock or inlet communicating with any sewer of the Council or over any grate communicating with any such sewer or drain any solid matter mud or refuse except such as is contained in ordinary house sewage shall be deemed to have committed an offence against this part of this Act and every person committing such offence shall be liable to a penalty not exceeding twenty pounds and in the case of a continuing offence to a daily penalty of not exceeding five pounds for every day on which the offence continues after conviction :

Any such penalty shall be recoverable only by the Council who shall not be bound to proceed to recover any such penalty in any case where in their opinion such matter can be received into the sewers without risk of causing injury thereto or obstruction therein or of prejudicially affecting the health of any person employed in the sewers or otherwise :

Provided that this section shall not authorise the recovery of a penalty from the Commissioners of Sewers * of the City of London or from a vestry † or district board of works ‡ for flushing or washing the surface of a street or place under their control or for removing mud or proper sewage deposit by flushing with water from any sewer under their control if such street or place or the streets and places draining into such sewer or gullies communicating therewith shall in each case have been previously properly swept and cleansed and solid matter mud and refuse removed therefrom so far as reasonably practicable. [*See also 59 Geo. 3, c. xxix. s. 62, and 18 & 19 Vict. c. 120, s. 205.*]

Regulating
discharge of
offensive
liquid refuse.

9. Every person who causes to fall flow or enter or permits to fall flow or enter or to be carried into any sewer of the Council or any sewer or drain communicating therewith any matter such as hereafter defined shall be deemed to have committed an offence against this part of this Act and shall be liable to a penalty of not exceeding twenty pounds and to a further penalty of not exceeding five pounds for every day on which the default continues after conviction.

The matters herein-before referred to are—

(a) Any chemical or manufacturing or trade or other refuse (not being solid matter or refuse to which the preceding section applies) ;

(b) Any waste steam condensing water heated water or other liquid (such water or other liquid being of a higher temperature than 110 degrees Fahrenheit) ;

which either alone or in combination with other matter or liquid in a sewer may cause a nuisance or involve danger or risk of injury to the health of persons entering the sewers or be injurious to the structure or materials of the sewers or works of the Council.

Any penalty under this section shall be recoverable only by the Council and no proceeding under this section to recover any such penalty shall be commenced except in pursuance of a recommenda-

* Now the Mayor, Commonalty, and Citizens of the City of London. See the City of London Sewers Act 1897.

† Now the Council of a Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

tion from the Committee of the Council charged with the management of the sewers after a report from the medical officer chemist or engineer of the Council describing the matter alleged to be causing a nuisance or to be dangerous or injurious and the nature of the nuisance danger or injury alleged to be caused thereby.

10. Where in the opinion of the Council the introduction of any such matter as aforesaid into a sewer whether directly or through any drain or channel communicating therewith either does or will involve any such danger injury or risk as aforesaid the Council may by order absolutely prohibit any such matters or matter being caused or permitted to fall flow or enter or to be carried into any sewer either directly or indirectly.

Special orders in certain cases.

The Council may at any time cause a copy of any such order to be served upon any person who may in their opinion be acting in contravention thereof and if any such person dispute the reasonableness of any such order as applicable to himself or any works or premises under his control such person may appeal to the Local Government Board to appoint a referee to determine the reasonableness thereof and any such referee may determine either that the said order ought not to be enforced as against the objector or that it ought to be enforced either with or without modification or conditions and may by his award determine that the person objecting should have reasonable time allowed to execute any works or any alterations on his premises which may be necessary in order to prevent the introduction of the matter into a sewer and the costs of the award and determination and the costs of the parties thereto shall be in the discretion of the referee.

Any person who shall fail to comply with the terms of any such order after service thereof upon him or in the event of an appeal to a referee with the determination of the referee shall be liable to a penalty of not exceeding twenty pounds for every such default and to a daily penalty not exceeding five pounds for every day on which the default continues after conviction thereof.

11. The Council by any of their officers either generally or specially authorised in that behalf in writing may at any reasonable time enter any premises except premises of the Metropolitan or Metropolitan District Railway Companies which shall be subject to the provision hereafter contained for the purpose of examining whether the provisions of this part of this Act are being contravened.

Powers of entry and inspection.

Any person who shall refuse to permit any such officer after production of his authority to enter into any premises or shall obstruct any such officer in carrying out his duties under this section shall be liable to a penalty of not exceeding twenty pounds.

12. [*Provisions of the 3 preceding sections not to come into force till 12 months after the passing of this Act. Spent.*]

13. The provisions of this part of this Act shall not apply to heated water discharged from railway engines on any part of the railways of or worked over by the Metropolitan or Metropolitan District Railway Companies or either of them in any case where reasonable provision has been or shall be made to the satisfaction of the Board of Trade either within or in connexion with a sewer of the Council or a sewer or drain communicating therewith to secure that the temperature of such heated water shall not exceed 110 degrees Fahrenheit at such distance from the point of discharge into any sewer as in the event of difference between the Council and

For protection of the Metropolitan and Metropolitan District Railway Companies.

the Company may be considered reasonable by the Board of Trade Provided that such distance shall not in any case exceed fifty feet from any point at which the water is discharged into any such sewer.

The Council shall afford all needful facilities for the works to be executed or appliances to be provided for the purposes of this section in any sewer of the Council and such works shall be constructed and maintained by the Council to the reasonable satisfaction of the engineer of the Company concerned and the expenditure reasonably incurred thereon as the same shall be ascertained in case of difference by an arbitrator to be appointed on the request of either or any of the parties by the Board of Trade shall be paid from time to time by the Company to the Council on demand.

The Metropolitan and Metropolitan District Railway Companies shall after the expiration of twelve months from the passing of this Act afford reasonable facilities to any officer of the Council duly authorised in writing at convenient times having regard to the safety of the public and the exigencies of the traffic to inspect the engine-pits on the Companies' premises and the connexions on such premises with sewers and drains for the purpose only of ascertaining whether such of the provisions of this part of this Act as are applicable to those Companies are being complied with but such officer shall not be entitled to require any interruption or obstruction of the working of the traffic on the said railways or to go on any part of the railway until after twenty-four hours notice in writing.

For protection of common brewers.

14. This part of this Act shall not extend to prohibit the introduction into a sewer of water or liquid used for washing casks or other vessels at any brewery provided such water or liquid be not of a higher temperature than 110 degrees Fahrenheit and do not contain any greater proportion than three per cent. of solid refuse.

As to placing snow in sewers.

15. This part of this Act shall not prevent any vestry * or district board of works * from placing snow in any sewer belonging to them provided arrangements be made to prevent obstruction of any sewer and to prevent any solid matter from passing or being conveyed into any sewer of the Council. [*See 54 & 55 Vict. c. 76, s. 29.*]

Cleansing of gratings and gullies transferred to vestries and district boards.

16. The duty of cleansing every grating and gully in any street communicating with any sewer of the Council (except in streets vested in and cleansed by the Council) so far as such grating or gully belongs to or is under the control of the Council shall as from the passing of this Act be transferred to the vestry * of the parish or the board of works * for the district within which the same is situate. [*See 18 & 19 Vict. c. 120, s. 135; and 35 & 36 Vict. c. lxvi. s. 3 and note thereon.*]

Act not to affect powers of proceeding under other Acts.

17. Nothing in this Act shall be deemed to take away or affect any power of any vestry * or district board of works * to take proceedings under any other Act in respect of any of the matters made offences under this part of this Act. [*See note on s. 8.*]

PART V.

18. [*Power to the Council to contribute not exceeding £6,000 towards lands to be added to the Paddington Recreation Ground. Spent.*]

* Now the Council of a Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

PART VI.

PENALTIES—COSTS.

19. Penalties under this Act may be recovered in a summary way Penalties.
in a petty sessional court.

20. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [Part omitted (*expenses of obtaining Act*) spent.]

As to pay-
ments under
this Act.

CHAPTER CCXIII.

AN ACT TO CONSOLIDATE AND AMEND THE ENACTMENTS RELATING
TO STREETS AND BUILDINGS IN LONDON. [25th August 1894.]

[Preamble recites the Acts set out in the 4th Schedule.]

PART I.

INTRODUCTORY.

1. This Act may be cited as the London Building Act 1894.

Short title.

2. This Act shall be divided into parts as follows :—

Division of
Act into
parts.

Part I.—Introductory.

Part II.—Formation and Widening of Streets.

Part III.—Lines of Building Frontage.

Part IV.—Naming and Numbering of Streets.

Part V.—Open Spaces about Buildings and Height of
Buildings.

Part VI.—Construction of Buildings.

Part VII.—Special and Temporary Buildings and Wooden
Structures.

Part VIII.—Rights of Building and Adjoining Owners.

Part IX.—Dangerous and Neglected Structures.

Part X.—Dangerous and Noxious Businesses.

Part XI.—Dwelling-houses on Low-lying Land.

Part XII.—Sky Signs.

Part XIII.—Superintending Architect and District Surveyors.

Part XIV.—Byelaws.

Part XV.—Legal Proceedings.

Part XVI.—Miscellaneous.

3. This Act shall come into operation on and shall take effect from the first day of January next after the passing thereof which date is in this Act referred to as the commencement of this Act.

Commence-
ment of Act.

4. This Act shall save so far as is otherwise provided extend to London and no further :

Extent of
Act.

Provided always that in addition to any exemption referring to the Commissioners of Sewers contained in this Act nothing in this Act contained shall in any way take away alter prejudice or affect any of the powers privileges exemptions jurisdictions or authorities given to or vested in the Commissioners of Sewers by or under any Act of Parliament and existing immediately before the passing of this Act notwithstanding the repeal of the Acts specified in the Fourth Schedule hereto. [See note on s. 5 (46).]

Definitions.

5. In this Act unless the context otherwise requires—

- (1) The expression “street” means and includes any highway and any road bridge lane mews footway square court alley passage whether a thoroughfare or not and a part of any such highway road bridge lane mews footway square court alley or passage. [*Cf.* 18 & 19 *Vict. c.* 120, s. 250; and 25 & 26 *Vict. c.* 102, s. 112.]
- (2) The expression “way” includes any public road way or footpath not being a street and any private road way or footpath which it is proposed to convert into a highway or to form lay out or adapt as a street.
- (3) The expression “roadway” in relation to any street or way means and includes the whole space open for traffic whether carriage traffic and foot traffic or foot traffic only.
- (4) The term “centre of the roadway” means—
 - (a) In relation to any street or way of which the centre of the roadway has been ascertained or defined by the Council or the superintending architect previously to or after the commencement of this Act the centre of the roadway as so ascertained or defined;
 - (b) In relation to any street or way of which the centre of the roadway shall not have been ascertained or defined by the Council or the superintending architect where the roadway opposite the site of the building in question shall since the twenty-second day of July one thousand eight hundred and seventy-eight have been widened the centre of the roadway as existing immediately before the date of such widening or where it shall not have been so widened the actual centre of the existing roadway:

For the purpose of any enactment in this Act referring to the centre of the roadway the superintending architect may at any time define the line constituting the centre of the roadway in the case of a street formed or laid out after the eighteenth day of August one thousand eight hundred and ninety and the line so defined shall continue to be deemed the centre for such purpose notwithstanding that the actual centre of the roadway may have become altered by reason of the roadway having been widened either on one side only or on both sides to an unequal extent.

- (5) The expression “the prescribed distance” means twenty feet from the centre of the roadway where such roadway is used for the purpose of carriage traffic and ten feet from the centre of the roadway where such roadway is used for the purposes of foot traffic only. [*See* s. 13 (2).]
- (6) The expression “new building” means and includes—

Any building erected after the commencement of this Act;

Any building which has been taken down for more than one half of its cubical extent and re-erected or commenced to be re-erected wholly or partially on the same site after the commencement of this Act;

Any space between walls and buildings which is roofed or commenced to be roofed after the commencement of this Act. [*Cf.* 5 *Edw.* 7, c. cex. s. 6 (v.).]
- (7) The expression “bressummer” means a wooden beam or a metallic girder which carries a wall.

- (8) The expression "level of the ground" means the mean level of the ground as determined by the district surveyor or in the event of disagreement by the superintending architect or on appeal by the tribunal of appeal.
- (9) The expression "foundation" applied to a wall having footings means the solid ground or artificially formed support on which the footings of the wall rest but in the case of a wall carried by a bressummer means such bressummer.
- (10) The expression "base" applied to a wall means the under-side of the course immediately above the footings if any or in the case of a wall carried by a bressummer above such bressummer.
- (11) The expression "ground storey" means that storey of a building to which there is an entrance from the outside on or near the level of the ground and where there are two such storeys then the lower of the two:
Provided that no storey of which the upper surface of the floor is more than four feet below the level of the adjoining pavement shall be deemed to be the ground storey.
- (12) The expression "basement storey" means any storey of a building which is under the ground storey.
- (13) The expression "first storey" means that storey of a building which is next above the ground storey the successive storeys above the first storey being the second storey the third storey and so on to the topmost storey.
- (14) The expression "topmost storey" means the uppermost storey in a building whether constructed wholly or partly in the roof or not. [*Cf. 5 Edw. 7, c. ccix. s. 6 (iii).*]
- (15) The expression "external wall" means an outer wall or vertical enclosure of any building not being a party wall.
- (16) The expression "party wall" means—
(a) A wall forming part of a building and used or constructed to be used for separation of adjoining buildings belonging to different owners or occupied or constructed or adapted to be occupied by different persons : or
(b) A wall forming part of a building and standing to a greater extent than the projection of the footings on lands of different owners.
- (17) The expression "cross wall" means a wall used or constructed to be used in any part of its height as an inner wall of a building for separation of one part from another part of the building that building being wholly in or being constructed or adapted to be wholly in one occupation.
- (18) The expression "party fence wall" means a wall used or constructed to be used as a separation of adjoining lands of different owners and standing on lands of different owners and not being part of a building but does not include a wall constructed on the land of one owner the footings of which project into the land of another owner.
- (19) The expression "party arch" means an arch separating adjoining buildings storeys or rooms belonging to different owners or occupied or constructed or adapted to be occupied by different persons or separating a building from a public way or a private way leading to premises in other occupation.

- (20) The expression "party structure" means a party wall and also a partition floor or other structure separating vertically or horizontally buildings storeys or rooms approached by distinct staircases or separate entrances from without.
- (21) The expression "height" in relation to any building means the measurement taken from the level of the footway (if any) immediately in front of the centre of the face of the building or (where there is no such footway) from the level of the ground before excavation to the level of the top of the parapet or where there is no parapet to the level of the external wall or (in the case of gabled buildings) to the base of the gable.
- (22) The expression "area" applied to a building means the superficies of a horizontal section thereof made at the point of its greatest surface inclusive of the external walls and of such portions of the party walls as belong to the building.
- (23) The expression "square" applied to the measurement of the area of a building means the space of 100 superficial feet.
- (24) The expression "cubical extent" applied to the measurement of a building means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest storey.
- (25) The expression "dwelling-house" means a building used or constructed or adapted to be used wholly or principally for human habitation.
- (26) The expression "domestic building" includes a dwelling-house and any other building not being a public building or of the warehouse class.
- (27) The expression "public building" means a building used or constructed or adapted to be used as a church chapel or other place of public worship or as a school college or place of instruction (not being merely a dwelling-house so used) or as a hospital workhouse public theatre public hall public concert-room public ball-room public lecture-room public library or public exhibition-room or as a public place of assembly or used or constructed or adapted to be used for any other public purpose also a building used or constructed or adapted to be used as an hotel lodging-house home refuge or shelter where such building extends to more than two hundred and fifty thousand cubic feet or has sleeping accommodation for more than one hundred persons. [*See also 61 & 62 Vict. c. cxxxvii. s. 8.*]
- (28) The expression "building of the warehouse class" means a warehouse factory manufactory brewery or distillery and any other building exceeding in cubical extent one hundred and fifty thousand cubic feet which is neither a public building nor a domestic building.
- (29) The expression "owner" shall apply to every person in possession or receipt either of the whole or of any part of the rents or profits of any land or tenement or in the occupation of any land or tenement otherwise than as a tenant from year to year or for any less term or as a tenant at will. [*See ss. 15, 23 and 134, and cf. 5 Edw. 7, c. ccix. s. 6 (i.).*]

- (30) The expression "occupier" does not include a lodger and "occupy" and "occupation" do not refer to occupation by a lodger.
- (31) The expression "building owner" means such one of the owners of adjoining land as is desirous of building or such one of the owners of buildings storeys or rooms separated from one another by a party wall or party structure as does or is desirous of doing a work affecting that party wall or party structure.
- (32) The expression "adjoining owner" means the owner or one of the owners and "adjoining occupier" means the occupier or one of the occupiers of land buildings storeys or rooms adjoining those of the building owner.
- (33) The expression "builder" means the person who is employed to build or to execute work on a building or structure or where no person is so employed the owner of the building or structure.
- (34) The expression "superintending architect" means the superintending architect of metropolitan buildings for the time being. [*See s. 136.*]
- (35) The expression "district surveyor" means every such surveyor who is appointed in pursuance of this Act or whose appointment is hereby confirmed and shall include any deputy or assistant surveyor appointed under this Act. [*See ss. 139, 142, and 143.*]
- (36) [*Definition of the expression "fire-resisting material." Rep. 5 Edw. 7, c. ccix. s. 25. See ibid., s. 5 and 1st Schedule.*]
- (37) The expression "inhabited" applied to a room means a room in which some person passes the night or which is used as a living room including a room with respect to which there is a probable presumption (until the contrary is shown) that some person passes the night therein or that it is used as a living room.
- (38) The expression "habitable" applied to a room means a room constructed or adapted to be inhabited.
- (39) The expression "the Metropolis Management Acts" means the Metropolis Management Act 1855 and the Acts amending the same or any one or more of those Acts.
- (40) The expression "London" means the administrative county of London.
- (41) The expression "the Council" means the London County Council.
- (42) The expression "local authority" means the vestry or district board of works under the Metropolis Management Acts * within whose parish or district the building structure place land or thing referred to is or will be or in the City the Commissioners of Sewers † or in the parish of Woolwich the Woolwich Local Board of Health. ‡
- (43) The expression "the city" means all parts now within the jurisdiction of the Commissioners of Sewers. †
- (44) The expression "Corporation" means the mayor aldermen and commons of the city of London.

* Now the Council of a Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

† Now the Mayor, Aldermen, and Commons of the City of London in Common Council assembled. See the City of London Sewers Act 1897.

‡ Now the Council of the Metropolitan Borough of Woolwich. See 62 & 63 Vict. c. 14, s. 4.

- (45) The expression "Guildhall" means the land offices courts and buildings commonly called the Guildhall and the offices courts and buildings adjoining or appurtenant thereto which now are used by or may hereafter be erected for the use of the Corporation or of any committee commission or society appointed by them.
- (46) The expression "Commissioners of Sewers" means the Commissioners of Sewers of the City of London.*
- (47) The expression "the tribunal of appeal" means the tribunal of appeal constituted by this Act. [See ss. 175—186.]

PART II.

FORMATION AND WIDENING OF STREETS.

As to
making
streets.

6. From and after the commencement of this Act streets shall not be made and ways shall not be widened altered or adapted so as to form streets otherwise than subject to and in accordance with the provisions set forth in this part of this Act. Provided that this Act shall not affect the powers of any local authority to widen alter or improve any street.

Sanction to
formation of
new streets.

7. Before any person commences to form or lay out any street whether intended to be used for carriage traffic or for foot traffic only such person shall make an application in writing to the Council for their sanction to the formation or laying out of such street either for carriage traffic or for foot traffic (as the case may be):

Every such application shall be accompanied by plans and sections with such particulars in relation thereto as may be required by printed regulations issued by the Council and the Council shall forthwith communicate every such application to the local authority. [See s. 18.]

And no person shall commence to form or lay out any street for carriage traffic or for foot traffic without having obtained the sanction of the Council. [See 53 & 54 Vict. c. 66, s. 6.]

Evidence of
commence-
ment of
street.

8. For the purposes of this part of this Act a person shall be deemed to commence to form or lay out a street if he erect a fence or other boundary or lay down lines of kerbing or level the surface of the ground so as to define the course or direction of a street or if he form the foundations of a house in such manner and in such position as that such house will or may become one of three or more houses abutting on or erected beside land on which a street is intended to be or may be thereafter laid out or formed. Provided that no person shall be deemed to commence to form or lay out a street if he do any of the acts in this section mentioned for some purpose other than that of forming or laying out a street.

Grounds for
refusal to
sanction
plans of
streets.

9. In any of the cases following but in no other case (that is to say):—

- (1) Where any street is proposed to be formed or laid out for carriage traffic without being of or being widened to the full width of forty feet clear or such other width as may be required under the provisions of this Act;
- (2) Where any street is proposed to be formed or laid out for foot traffic only without being of or being widened to the full width of twenty feet clear;

* Now the Mayor, Aldermen, and Commons of the City of London in Common Council assembled. See the City of London Sewers Act 1897.

- (3) Where any street exceeding sixty feet in length or any street not exceeding sixty feet in length of which the length is greater than the width is proposed to be formed or laid out without being open at both ends from the ground upwards ;
- (4) Where any street not being within the City is proposed to be formed or laid out in such manner that such street will not at and from the time of forming and laying out the same afford direct communication between two streets such two streets being (where it is intended to form or lay out such street for carriage traffic) streets formed and laid out for carriage traffic ;
- (5) Where it is proposed to form or lay out any street not being within the City for foot traffic only and it appears to the Council that such street should not be formed or laid out for foot traffic only or that such street should be formed or laid out for foot traffic only subject to conditions ;
- (6) Where the street is proposed to be formed or laid out for carriage traffic with any gradient steeper than one in twenty ;
- (7) Where it is proposed to form or lay out any street in such manner as to be in contravention of any byelaw of the Council ;

it shall be lawful for the Council by order at any time within the period of two months after the receipt of the application to refuse to sanction or to sanction subject to such conditions as they may by such order prescribe the formation or laying out of such street for carriage traffic or for foot traffic only as the case may be provided that the Council shall within such period give notice to the applicant of such order stating fully all their reasons for such refusal or the imposition of such conditions as the case may be : [See ss. 174 and 187 (2).]

Provided that if within the said period of two months the Council fail to give notice of their refusal to sanction the formation or laying out of such street or of their disapproval of any such plan or section they shall be deemed to have given their sanction thereto. [See s. 174.]

10.—(1) Before any person commences—

- (a) To adapt for carriage traffic any street or way not previously so adapted or to use or permit to be used for carriage traffic any street or way not previously so adapted ;
- (b) To adapt as a street for foot traffic only or as a public footway any way not previously so adapted ;

Adaptation
of ways for
streets.

such person shall make an application in writing to the Council for their sanction thereto and such application shall be accompanied by plans and sections and such particulars in relation thereto as may be required by printed regulations issued by the Council and the Council shall forthwith communicate every such application to the local authority and no person shall commence to execute any such work without having obtained the sanction of the Council.

(2) Within two months after the receipt of any such application the Council shall either sanction the plans and sections or give notice to the applicant of their disapproval thereof stating fully all their reasons for such disapproval. Provided that if within the said period of two months the Council fail to give notice of their disapproval of any such plan or section they shall be deemed to have given their sanction thereto. [See ss. 174 and 187 (2).]

(3) A person shall be deemed for the purposes of this part of this

Act to commence to execute a work within the meaning of this section if he erect a fence or other boundary or lay down lines of kerbing or level the surface of the ground so as to define the course or direction of a work within the meaning of this section or if he form the foundations of a house in such manner and in such position as that such house will or may become one of three or more houses abutting on or erected beside land on which a street is intended to be or may be thereafter laid out or formed. Provided that no person shall be deemed to commence to execute a work within the meaning of this section if he do any of the acts in this sub-section mentioned for some purpose other than that of executing a work within the meaning of this section.

(4) Before any person commences to widen on either side to a less extent than the prescribed distance any part of a street or way which (being adapted for carriage traffic) is less than forty feet in width or (being adapted for foot traffic only) is less than twenty feet in width he shall give notice in writing to the Council accompanied by a plan showing the extent of the proposed widening and no person shall commence to execute any such widening until after the expiration of two months from the date of such notice unless with the previous sanction of the Council.

11. In any of the cases following but in no other case (that is to say) :—

Grounds for refusing to sanction adaptation of ways for streets.

- (1) Whenever it is proposed to adapt for carriage traffic any street or way (not previously so adapted) where there are houses or buildings either on both sides thereof or only on one side thereof without a distance of at least twenty feet clear being left between the centre of the roadway and the nearest external wall of the houses or buildings on the side of the street or way to which the measurement is taken or (if there be forecourts or other spaces left between such external wall and the roadway) without there being a distance of at least twenty feet clear between the centre of the roadway and the external fences or boundaries of such forecourts or other spaces ;
- (2) Where it is proposed to adapt as a street for foot traffic only or as a public footway any way not previously so adapted without the same being of or being widened to the full width of twenty feet clear measured as aforesaid ;
- (3) Where any such adaptation would result in the formation of a street exceeding sixty feet in length or a street not exceeding sixty feet in length of which the length is greater than the width and in either case not being open at both ends from the ground upwards ;
- (4) Where any such adaptation would result in the formation of a street not being within the City and not affording direct communication between two streets such two streets being (where it is intended to form or lay out such street for carriage traffic) streets formed and laid out for carriage traffic ;
- (5) Where the adaptation will result in the formation or laying out of a street not being within the City for foot traffic only and it appears to the Council either that such street should not be formed or laid out for foot traffic only or that such street should be formed or laid out for foot traffic only subject to conditions ;

(6) Where the adaptation would result in the formation of a street for carriage traffic with any gradient steeper than one in twenty ;

(7) Where the adaptation is proposed to be made in such a manner as to be in contravention of any byelaw of the Council ;

it shall be lawful for the Council by order at any time within the said period of two months after the receipt of the application to refuse to sanction or to sanction (subject to such conditions as they may by such order prescribe) the adaptation proposed by the application. Provided that the Council shall within such period give notice to the applicant of such order stating fully all their reasons for such refusal or the imposition of such conditions as the case may be. Provided also that if within the said period of two months the Council fail to give notice of their refusal to sanction such adaptation or of their sanction of the adaptation subject to conditions they shall be deemed to have given their sanction thereto. [*See s. 174.*]

12. In any case where it is intended—

(a) To form or lay out any street not being within two miles of Saint Paul's Cathedral for carriage traffic ;

(b) To adapt or permit to be used for carriage traffic any street or way (not being within two miles of Saint Paul's Cathedral) not previously so adapted ;

Greater width of street may be required in certain cases.

and the Council shall deem it expedient in the public interest that the street or way should by reason of its length or importance or in consequence of its forming or being so situate as to be likely to form part of an important line of communication or for other sufficient reason be of a greater width than forty feet clear they may make it a condition of their sanction that the street or way shall be throughout or in such part as they may direct of a greater width than forty feet but nothing in this section shall authorise the Council to require a greater width than sixty feet :

And before requiring that any street or way shall be wider than forty feet the Council shall give notice of their intention to the local authority in order that the local authority if they think fit may make a representation to the Council.

13.—(1) No person shall erect any new building or new structure or any part thereof or extend any building or structure or any part thereof in such manner that any external wall of any such building or structure or (if there be a forecourt or other space between such external wall and the roadway) any part of the external fence or boundary of such forecourt or other space shall without the consent in writing of the Council be in any direction at a distance less than the prescribed distance from the centre of the roadway of any street or way (being a highway).

Position of new buildings with reference to streets.

(2) Where the Council after consulting the local authority shall deem it expedient in the public interest either by reason of the length or importance of the street or way or by reason of the street or way forming or being so situate as to be likely to form part of an important line of communication or for other sufficient reason that the prescribed distance from the centre of the roadway of any such street or way should where such roadway is used for the purpose of carriage traffic be greater than twenty feet it shall be lawful for the Council to determine that the prescribed distance shall be such

greater distance not exceeding thirty feet from the centre of the roadway of such street or way on either side or both sides as the Council shall see fit to determine. This sub-section shall not apply to any street or way within two miles of Saint Paul's Cathedral.

(3) In case the person intending to erect form or extend any such building structure forecourt or space shall be dissatisfied with the determination of the Council that the prescribed distance shall be greater than twenty feet from the centre of the roadway he may appeal to the tribunal of appeal against such determination of the Council. [See ss. 175—186.]

(4) The Council may in any case where they think it expedient consent to the erection formation or extension of any building structure forecourt or space at a distance less than the prescribed distance from the centre of the roadway of any such street or way and at such distance from the centre of such roadway and subject to such conditions and terms (if any) as they may think proper to sanction. Provided that the giving of such consent by the Council shall not in any way affect any rights of the owners of adjoining land. Before giving such consent the Council shall communicate to the local authority their intention to give the same. Any person dissatisfied with the determination of the Council under this sub-section may appeal to the tribunal of appeal. [See ss. 175—186.]

(5) Provided that where any person intends to alter or re-erect a building or structure existing either at the commencement of this Act or at any time within seven years previously and which shall not be or shall not have been in conformity with the provisions of this section relating to new buildings and structures such person may cause to be prepared plans showing the extent of such building or structure (or in the event of such building or structure having ceased to exist before the commencement of this Act or having been accidentally destroyed the best plans available under all the circumstances of the case) and the extent of the forecourt or other open space (if any) between any external wall of such building or structure and the roadway and may cause such plans to be submitted to the district surveyor who shall (if reasonably satisfied with the evidence of their accuracy) certify the same under his hand and such certificate shall be taken to be conclusive evidence of the correctness of the plans. Thereupon it shall be lawful for such person to alter or re-erect such building or structure but so that no land within the prescribed distance shall be occupied by the re-erected building or structure or the forecourt or such other open space as aforesaid (if any) except that which was occupied within the prescribed distance by the previously existing building structure forecourt or open space:

If such person should fail to submit such plans to the district surveyor or the district surveyor or the tribunal of appeal should refuse to certify the accuracy of the same such person shall in altering or rebuilding the said building or structure be bound by the preceding provisions of this section in all respects as though no building or structure had previously existed upon the land within the period aforesaid. Provided always that no dwelling-house to be inhabited or adapted to be inhabited by persons of the working class shall without the consent of the Council be erected or re-erected within the prescribed distance to a height exceeding the distance of the front or nearest external wall of such building from the opposite side of such street and that no building or structure shall be con-

verted into such dwelling-house within the prescribed distance so as to exceed such height : [*Amended 61 & 62 Vict. c. cxxxvii. s. 4.*]

Provided that this section shall not prevent the re-erection of any such dwelling-house erected previously to the passing of this Act by a local authority.

(6) Nothing in this section shall affect the exercise of any powers conferred upon any railway company by any special Act of Parliament for railway purposes.

14. [*Notice to comply with preceding section. Rep. and replaced by 61 & 62 Vict. c. cxxxvii. s. 3.*]

15. In any case where—

(1) The Council under this part of this Act make it a condition of their sanction to—

As to compensation in certain cases.

(a) the formation or laying out of any street for carriage traffic over land which either at the commencement of this Act or at any time within seven years previously has or shall have been occupied by buildings or by market garden ; or

(b) the adaptation or use for carriage traffic of any street or way not previously so adapted or used that the street or way shall be throughout or in any part of a greater width than forty feet ; or

(2) The Council determine that the prescribed distance from the centre of the roadway shall be greater than twenty feet ; the Council shall be liable to pay to the owner of land or buildings required for such greater width or such greater prescribed distance compensation for the loss or injury (if any) sustained by him by such requirement. The amount of such compensation if not agreed within two months from the time of such condition being made or determination arrived at may (unless the Council waive the condition or determination) be recovered in a summary manner except where the amount of compensation claimed exceeds fifty pounds in which case the amount thereof shall be settled by arbitration according to the provisions contained in the Lands Clauses Acts which are applicable where questions of disputed compensation are authorised or required to be settled by arbitration and for that purpose those Acts so far as applicable shall be deemed to be incorporated with this Act :

Provided always that within two months from the time of such condition or determination being made or arrived at if the amount of such compensation has not been settled before the expiration of such time it shall be lawful for the Council to waive such condition or determination. Provided also that if the Council waive such condition or determination they shall pay to the owner the reasonable costs charges and expenses incurred by him in consequence of such condition or determination and in connexion with the negotiations for the settlement of the amount of compensation :

For the purpose of this section the expression "owner" has the same meaning as in the Lands Clauses Acts.

16. Where after the commencement of this Act—

(i) any new building or structure is erected or commenced in such manner that—

As to erection of buildings at less than prescribed distance from centre of ways not being highways.

(a) any part of any external wall of any such building or structure ; or

if there be between such external wall and the roadway any forecourt or other space—

- (b) any part of the external fence or boundary of such forecourt or space is or will be in any direction distant from the centre of the roadway of any way (not being a highway) less than the prescribed distance or less than such other distance as may have been sanctioned by the Council or the tribunal of appeal ; or
- (ii) Any conditions or terms subject to which the sanction of the Council or the tribunal of appeal in relation to any such building structure forecourt or space was obtained have not been complied with ; or
- (iii) The time during which such sanction was limited to continue has expired ;
- the way shall not become a highway except subject to the following provisions :—

- (i) A written notice shall be served upon the Council of the proposal to make the way a public highway ;
- (ii) The Council may at any time within two months after the receipt of such notice serve a notice upon the owner of such building structure forecourt or space or the builder requiring him to cause the same or any part thereof to be set back so that every part of any external wall of such building or structure or of the external fence or boundary of such forecourt or space shall be in every direction at a distance not less than the prescribed distance from the centre of the roadway of such way or at such distance and according to such conditions and terms (if any) as the Council or the tribunal of appeal may have sanctioned and prescribed ;
- (iii) Unless and until such first-mentioned notice has been given to the Council and such last-mentioned notice (if any) has been complied with the way shall not become a highway ;

Provided that this section shall not affect the erection or extension of any building or structure within the limits of any area which may have been lawfully occupied by any building or structure at any time within two years before the twenty-second day of July one thousand eight hundred and seventy-eight or the erection or extension of any building or structure lawfully in course of erection or extension on the said twenty-second day of July.

Sanction to construction of new buildings at less than prescribed distance.

17. The Council may sanction the erection of any new building or structure at any less distance than the prescribed distance from the centre of the roadway of any way (not being a highway) to be specified in such sanction or the continuance of any new building or new structure erected at such less distance or the continuance thereof for a limited time only to be specified in such sanction in such cases and subject to such terms and conditions (if any) as they may think proper And any such sanction may be framed in such manner as to apply to all new buildings in any such way or any part thereof Provided that the giving of such sanction by the Council shall not in any manner affect any rights of the owners of adjoining land.

Regulations to be printed and supplied.

18. Copies of the printed regulations of the Council issued for the purposes of this part of this Act shall be kept at the county hall and supplied at all reasonable times without charge to any applicants for the same.

19. Whenever any applicant under Part II. of this Act for the sanction of the Council to the formation or laying out of a street or the adaptation of a street or way for carriage or foot traffic or for the certificate of a district surveyor is dissatisfied with the refusal or conditional grant of such sanction or with any condition imposed by the Council or with the refusal of such certificate as aforesaid he may appeal to the tribunal of appeal. [*See ss. 175—186.*]

20. Nothing in this part of this Act shall extend or apply to any private road formed or laid out by a railway company and used as an approach to a station or station yard or as an approach to land used for railway purposes.

As to private roads laid out by a railway company.

21. Notwithstanding anything in this Act any buildings to be erected upon any lands now belonging to the School Board for London* or over which they have powers of compulsory purchase or may acquire such powers in the present session of Parliament may be erected in accordance with the provisions of any Act in force immediately before the passing of this Act.

Exempting certain school board buildings.

PART III.

LINES OF BUILDING FRONTAGE.

22.—(1) No building or structure shall without the consent in writing of the Council be erected beyond the general line of buildings in any street or part of a street place or row of houses in which the same is situate in case the distance of such line of buildings from the highway does not exceed fifty feet or within fifty feet of the highway when the distance of the line of buildings therefrom amounts to or exceeds fifty feet notwithstanding there being gardens or vacant spaces between the line of buildings and the highway. Such general line of buildings shall if required be defined by the superintending architect by a certificate such certificate to be issued within one month from the date of the application therefor.

Mode of proceeding with regard to buildings beyond line of street.

(2) This section shall not apply to any building or structure erected after the commencement of this Act upon land which either at the commencement of this Act or at any time within seven years previously has or shall have been lawfully occupied by a building or structure.

23.—(1) In case any building or structure which shall in any part thereof project beyond the general line of buildings in a street or beyond the front of the building wall or railing on either side thereof shall at any time be taken down to an extent exceeding one half of the cubical extent of such building or structure or shall be destroyed by fire or other casualty or demolished pulled down or removed from any other cause to the extent aforesaid it shall be lawful for the Council to require the same building or structure or any new building or structure proposed to be erected on the site or any part of the site thereof to be set back to such a line and in such a manner as the Council shall direct.

Buildings projecting beyond general line when taken down to be set back.

(2) The Council shall make compensation to the owner of such building for any damage and expenses which he may sustain and incur thereby and the amount of such compensation if not agreed between the Council and the parties concerned shall be recovered in a summary manner except where the amount of compensation

* Now the London County Council. See 2 Edw. 7, c. 42, and 3 Edw. 7, c. 24.

claimed exceeds fifty pounds in which case the amount thereof shall be settled by arbitration according to the provisions contained in the Lands Clauses Acts which are applicable where questions of disputed compensation are authorised or required to be settled by arbitration and for that purpose those Acts so far as applicable shall be deemed to be incorporated with this Act. For the purpose of this section the expression "owner" has the same meaning as in the Lands Clauses Acts.

Notices of
definition of
general line.

24. The superintending architect shall within fourteen days after the issue of the certificate defining the general line of buildings in any street or part of a street place or row of houses cause a notice of his certificate to be served on the local authority and on the owner of the building or land to which the certificate relates and on the owner of the houses in the same block or row within a distance not exceeding fifty yards on either side of the building or land to which the certificate relates or where there is no such block or row upon the owner of the adjoining land on either side of the building or land to which the certificate relates. Certificates made by the superintending architect under this part of this Act shall be preserved by the Council and be open to inspection at all reasonable times by all persons desiring to inspect the same.

Appeal
against cer-
tificate of
architect as
to general
line.

25. The local authority or any person deeming himself aggrieved by the certificate of the superintending architect may appeal to the tribunal of appeal. [See ss. 175—186.]

Conditions
may be
attached to
consent to
building in
front of
general line.

26. In giving their consent for the erection of any building or structure beyond the general line of buildings in any street or part of a street place or row of houses the Council may attach any conditions to such consent and such conditions may include any or all of the conditions following viz. :—

- (1) That land in front of the building or structure to such an extent as the Council may think proper shall be dedicated to and left open for the use of the public :
- (2) That the building or structure shall be used only for such purposes as may be specified in the consent or shall not be used for any particular purposes specified in the consent unless with the further consent of the Council obtained when a change of purpose is desired :

And generally any other condition which the Council may deem it expedient to impose in the public interest. [See s. 190.]

Consent not
to affect rest
of general
line.

27. The consent by the Council to the erection of any building or structure beyond the general line of buildings in any part of a street or the erection of such building or structure shall not be deemed to affect or alter in that or any other part of the street the general line of buildings as existing at the time of such consent.

Register of
conditional
consents to
be kept and
open for
inspection.

28. The Council shall keep a register of all conditional consents given by them under this part of this Act and shall keep the same open for inspection by all persons interested at all reasonable times.

Defining in
what street
a building or
structure is
situate.

29. The superintending architect shall if required by the Council the local authority or any person interested for the purposes of this part of this Act determine in any case in what street or streets a building or structure is situate such determination to be evidenced by his certificate. Any person aggrieved by such certificate may appeal to the tribunal of appeal. [See ss. 175—186.]

30. This part of this Act shall not apply within the City. [*See Part of Act not to apply in City.*]

31. Nothing in this part of this Act shall affect the exercise of any powers conferred upon any railway company by any special Act of Parliament for railway purposes. [*Certain powers of railway companies not affected by this part of Act.*]

PART IV.

NAMING AND NUMBERING OF STREETS.

32. Before any name is given to any street notice of the intended name shall be given to the Council and the Council may by notice in writing given to the person by whom notice of such intended name has been given to them at any time within one month after receipt of such notice object to such intended name and it shall not be lawful to set up any name to any street in London until the expiration of one month after notice thereof has been given as aforesaid to the Council or to set up any name objected to as aforesaid. [*Notice of new name of street.*]

33. The local authority shall and may cause the name of every street to be painted or affixed on a conspicuous part of some house or building at or near each end or entrance to such street or some other convenient part of the street and shall renew such name whenever it may be obliterated or defaced. [*Affixing names of streets by local authority.*]

34. The Council may by order alter the name of any street to any other name which to the Council may seem fit. [*Altering names of streets.*]

35. One month before making an order altering the name of a street the Council shall notify their intention of making such alteration to the local authority and shall also cause notice of their intention to be posted at each end of the street or in some conspicuous position in the street or at the option of the Council to be notified by circular delivered at every house in the street. [*Notice of altering names of streets.*]

Every such notice shall state that the order altering the name of the street may be issued on or after a day to be therein named if no objection in writing to the proposed alteration be given to the Council.

36.—(1) The Council may order that any houses or buildings in any street or way or any part thereof shall for the purpose of distinguishing the same be marked with such numbers as they shall deem convenient for that purpose and which they shall specify in their order in that behalf. [*Numbering houses.*]

(2) Whenever the Council have made any such order they shall transmit a copy thereof to the local authority and it shall be the duty of the local authority to perform all necessary acts and to take all requisite proceedings for carrying the order of the Council into execution.

(3) The local authority shall give notice to the owners or occupiers of the houses and buildings in such street or way to mark their several houses and buildings with such numbers as the Council shall have ordered and to renew the numbers of such houses or buildings as often as they are obliterated or defaced.

(4) If any occupier of any such house or building neglect for one week after notice from the local authority to mark such house or building with such number as shall be mentioned and required in such notice the local authority may and shall cause such number to be so marked or renewed and recover the expenses thereof from the owner or occupier of such house or building in a summary manner.

Power to Council to name and number streets in default of local authority complying with order.

37. Whenever the Council have transmitted a copy of any order made by them in pursuance of the provisions of this part of this Act to any local authority and such local authority have for the space of three months after the receipt of such order failed to perform all or any of the necessary acts or to take all or any of the requisite proceedings for carrying such order into execution then and in every such case the Council may perform all or any of such necessary acts or take all or any of such necessary proceedings which the local authority have failed to perform or take and the Council may exercise all the rights powers authorities and jurisdiction of a local authority with respect thereto including the recovery of expenses from owners of houses and buildings. [See s. 173.]

Register to be kept of alterations in names of streets.

38. The Council shall keep a register of all alterations made by them in the names of streets and in the numbers of the houses therein and such register shall be kept in such form as to show the date of every such alteration and the name of the street previous to such alteration as well as the new name thereof. It shall be lawful for any person to inspect such register and to take a copy of any portion thereof upon payment of such reasonable fee as the Council may from time to time determine.

PART V.

OPEN SPACES ABOUT BUILDINGS AND HEIGHT OF BUILDINGS.

Meaning of "domestic building" in this part of Act.

39. For the purposes of this part of this Act the expression "domestic building" shall not include any buildings used or constructed or adapted to be used wholly or principally as offices or counting-houses.

Light and ventilation of habitable basements.

40. In the case of domestic buildings erected after the commencement of this Act which shall have a habitable basement there shall for the purpose of giving light and air to such basement be provided in the rear of the building and exclusively belonging thereto an open space of an aggregate extent of not less than one hundred square feet free from any erection thereon above the level of the adjoining pavement which open space notwithstanding anything herein-after contained need not necessarily adjoin the rear boundary of the premises. [See also 54 & 55 Vict. c. 76, ss. 96—98.]

Space at rear of domestic buildings.

41.—(1) With respect to domestic buildings erected after the commencement of this Act and abutting upon a street formed or laid out after the commencement of this Act the following provisions shall have effect :—

- (i) There shall be provided in the rear of every such building an open space exclusively belonging to such building and of an aggregate extent of not less than one hundred and fifty square feet ;

Where there is a basement storey directly and sufficiently lighted and ventilated by the open space provided under the preceding section irrespective of any use to which the ground storey is appropriated or where there is no such basement storey but where the ground storey is not constructed or adapted to be inhabited the open space required by this section may be provided above the level of the ceiling of the ground storey or a level of sixteen feet exclusive of lantern-lights measured from the level of the adjoining pavement ;

In all other cases the open space shall be free from any erection thereon above the level of the adjoining pavement except a watercloset earthcloset or privy and a receptacle for ashes and enclosing walls none of which erections shall exceed nine feet in height :

- (ii) Such open space shall extend throughout the entire width of such building and to a depth in every part of at least ten feet from such building :
- (iii) The height of any such building in relation to the space required in the rear thereof shall be fixed and ascertained as follows :—
 - (a) An imaginary line (hereafter referred to as “the horizontal line”) shall be drawn at right angles to the roadway formed or to be formed in front of the building and through or directly over a point in front of the centre of the face of the building ;
 - (b) The horizontal line shall be produced to intersect the boundary of the open space furthest from the said roadway ;
 - (c) The horizontal line shall be drawn throughout at the level of the pavement formed or to be formed in front of the centre of the building unless the site of the building incline towards the roadway or site of the roadway in which case the horizontal line shall be drawn directly over the said point in front of the centre of the face of the building at the level throughout of the ground at the boundary of the space furthest from such roadway where such boundary is intersected by the horizontal line ;
 - (d) A second imaginary line (in this part of this Act called “the diagonal line”) shall be drawn in the direction of the building above and in the same vertical plane with the horizontal line and inclined thereto at an angle of sixty-three and a half degrees and meeting the horizontal line where it intersects the boundary of the space furthest removed from such roadway ;
 - (e) No part of such building shall extend above the diagonal line except chimneys dormers gables turrets or other architectural ornaments aggregating in all to not more than one third of the width of the rear elevation of such building and except any building which under the provisions of this section is permitted on the open space ;
 - (f) When the pavement in front of a building is not all on one level then for the purpose of compliance with this section the mean level of such pavement shall be deemed to be the level thereof. And where the boundary of the space at the rear of such building is not parallel with the rear wall of the building then for the purpose of this section the horizontal line shall be drawn to a point distant from such rear wall the mean distance from such wall of the boundary of the space at the rear of such building whether such point be beyond the said boundary or not ;
 - (g) When the boundary of the space at the rear of any such building shall be so irregular in shape that a doubt arises as to how the measurement shall be taken appli-

cation shall be made to the Council and the applicant if dissatisfied with the determination of the Council may appeal to the tribunal of appeal; [*See ss. 175—186.*]

- (h) When the land at the rear of any such building and exclusively belonging thereto abuts immediately upon a street or upon an open space which is dedicated to the public or the maintenance of which as an open space is secured permanently or to the satisfaction of the Council by covenant or otherwise the horizontal line shall be produced and the diagonal line may be drawn from the horizontal line at the centre of the roadway of such street at the level of the surface thereof or at the further boundary of such open space and it shall not be necessary to provide any open space at the rear of such building :
- (iv) The Council may—
 - (a) In the case of a building at a corner abutting upon two streets ;
 - (b) In the case of a building at a corner abutting on one side upon a street and on another side upon an open space not less than forty feet wide at any part the maintenance of which as an open space is secured permanently or to the satisfaction of the Council by covenant or otherwise ; permit the erection of buildings not exceeding thirty feet in height upon such part of the space in the rear as they may think fit provided that the Council be satisfied that such buildings shall be so placed as not to interfere unduly with the access of light and air to neighbouring buildings ;

When the Council refuse any application under this sub-section for permission to erect a building not exceeding thirty feet in height upon the space at the rear the applicant if dissatisfied with the determination of the Council may appeal to the tribunal of appeal : [*See ss. 175—186.*]
- (v) In the case of buildings at a corner as herein-before described nothing in this part as to the determination of height by the diagonal line shall prevent the return front of such buildings being carried up to the full height of the front elevation for a distance of forty feet or for such less distance as the requirements for open space at the rear may demand :
- (vi) In exceptional cases where owing to the irregular shape of the land any of the preceding provisions of this section cannot be applied the Council may allow such modifications as they may think fit provided the Council be satisfied that such modifications shall not interfere with the due access of light or air and all persons interested dissatisfied with any determination of the Council under this sub-section may appeal to the tribunal of appeal. [*See ss. 175—186.*]
- (2) With respect to domestic buildings erected after the commencement of this Act abutting upon a street formed or laid out before the commencement of this Act the provisions of this section shall apply with this modification that the horizontal line shall be drawn throughout at a level of sixteen feet above the level of the adjoining pavement and that in any such case (except in the case of dwelling-houses to be inhabited or adapted to be inhabited by persons of the working class) the open space to be provided in

accordance with paragraphs (i) and (ii) of sub-section 1 of this section may be provided above the level of the ceiling of the ground storey or above a level of sixteen feet (exclusive of lantern-lights) above the level of the adjoining pavement.

Provided always that notwithstanding the preceding provisions of this part of this Act any part of any domestic building may extend above the diagonal line provided that the Council or tribunal of appeal shall be satisfied that an open cubic space of air will be provided at the rear of such building equivalent to the open cubic space which would have been provided at the rear of such building if such diagonal line had been drawn from the ground level in manner provided in sub-section 1 (iii) of this section and if no part of such building (except as permitted under the preceding provisions of this section) had extended above such diagonal line. The applicant if dissatisfied with the determination of the Council may appeal to the tribunal of appeal. [See ss. 175—186.]

Nothing in this section shall apply to houses abutting in the rear on the River Thames or on a public park or on an open space of not less than eighty feet in depth which is dedicated to the public or the maintenance of which as an open space is secured permanently or to the satisfaction of the Council by covenant or otherwise.

42. The following provisions shall have effect with respect to dwelling-houses to be inhabited or adapted to be inhabited by persons of the working class erected after the commencement of this Act not abutting upon a street :—

Open space to be provided about certain buildings not on the public way.

- (i) At least one month before commencing to erect any such dwelling-house the person intending to erect the same shall deliver at the county hall a sufficient plan or plans exhibiting the extent and height of the intended dwelling-house in its several parts and also its position in relation to every other building either already existing or in course of erection which is adjacent thereto :
- (ii) In any case where the Council are satisfied taking all the circumstances of the case into consideration that there will not be provided about such dwelling-house a sufficient open space or spaces for the admission of light and air thereto it shall be lawful for the Council at any time before the expiration of one month from the delivery of the said plan or plans by order to refuse to sanction such plan or plans or to sanction the same subject to such conditions as they may by such order prescribe. Provided always that nothing in this sub-section shall authorise the Council to refuse to sanction such plan or plans or to prescribe any conditions when sanctioning the same in any case where the open space or spaces for the admission of light and air proposed to be provided about such dwelling-house is or are equivalent to the open space or spaces which would have been provided about such dwelling-house under the provisions of this Act in case the same had been erected after the commencement of this Act abutting upon a street or way formed or laid out before the commencement of this Act :
- (iii) No person shall commence to erect any such dwelling-house without having obtained the sanction of the Council to the plans delivered by him :

- (iv) Unless the Council shall within one month after the delivery of the said plan or plans to them give notice to the person delivering the same of their disapproval thereof the Council shall be deemed to have given their sanction thereto: [*See s. 174.*]
- (v) In case any person intending to erect any such dwelling-house considers that the refusal of the Council to sanction the plans delivered by him or any of the conditions prescribed by the Council is or are unreasonable he may appeal to the tribunal of appeal. [*See ss. 175—186.*]

Saving for
certain
domestic
buildings on
old sites.

43. When any person intends to erect a domestic building (not being a dwelling-house to be inhabited or adapted to be inhabited by persons of the working class) abutting upon a street on the site of domestic buildings existing at the commencement of this Act or on a site vacant at the commencement of this Act but which has been occupied by a domestic building at any time within seven years previous to the commencement of this Act the following provisions shall have effect:—

- (i) It shall be lawful for such person before commencing to erect the intended domestic building to cause to be prepared plans showing the extent of the previously existing domestic building in its several parts (or in the event of such building having been taken down before the commencement of this Act or having been accidentally destroyed the best plans available under all the circumstances of the case) and to cause such plans to be submitted to the district surveyor who shall (if reasonably satisfied with the evidence of their accuracy) certify the same under his hand and such certificate shall be taken to be conclusive evidence of the correctness of the plans;

Such person may then erect the intended domestic building but so that no more land shall be occupied by the newly erected building than was occupied by the previously existing domestic building as so certified. If such person fail to submit such plans to the district surveyor or the district surveyor or the tribunal of appeal refuse to certify the accuracy of the same such person shall in rebuilding be bound by the preceding provisions of this part of this Act relating to domestic buildings erected after the commencement of this Act abutting upon a street formed or laid out before that date:

- (ii) If a person erecting the intended domestic building shall desire to deviate in any respect from the plan or plans certified by the district surveyor it shall be lawful for him to apply to the Council who shall sanction such deviations on such conditions as they may think fit provided that such conditions shall not in any case be more onerous than the conditions prescribed for domestic buildings erected after the commencement of this Act abutting on a street formed or laid out before that date;
- (iii) A person dissatisfied with any decision of the Council or of a district surveyor under this section may appeal to the tribunal of appeal. [*See ss. 175—186.*]

Laying out
of new streets
on cleared
area.

44. When any person desires to re-arrange a cleared area previously occupied in whole or in part by buildings by forming or laying out a new street or streets or widening a street or streets

he may make application to the Council with such plans and sections as may be required by the Council and the Council may if under all the circumstances of the case they think it desirable modify or relax any of the foregoing provisions of this part of this Act subject to such conditions as the Council may impose.

Within two months after the receipt of the application the Council shall either sanction the plans and sections or give notice to the applicant of their disapproval thereof stating fully all their reasons for such disapproval.

Provided that if within the said period of two months the Council fail to give notice of their disapproval or any such plan or section they shall be deemed to have given their sanction thereto. [*See s. 174.*]

Any applicant dissatisfied with the determination of the Council may appeal to the tribunal of appeal.

45. Where a court wholly or in part open at the top but enclosed on every side and constructed or used for admitting light or air to a domestic building is constructed in connexion with such domestic building and the depth of such court from the eaves or top of the parapet to the ceiling of the ground storey exceeds the length or breadth of such court adequate provision for the ventilation of such court shall be made and maintained by the owner of the building by means of a communication between the lower end of the court and the outer air. Courts within a building.

No habitable room not having a window directly opening into the external air otherwise than into a court enclosed on every side shall be constructed in any building unless the width of such court measured from such window to the opposite wall shall be equal to half the height measured from the sill of such window to the eaves or top of the parapet of the opposite wall.

Provided that a court of which the greater dimension does not exceed twice the less dimension shall be held to comply with this section if a court of the same area but square in shape would comply therewith.

No habitable room above the level of the ground storey not having a window directly opening into the external air otherwise than into a court open on one side the depth whereof measured from the open side exceeds twice the width shall be constructed in any building unless every window of such room be placed not nearer to the opposite wall of such court or to any other building than one half the height of the top of such wall or building above the level of the sill of such window.

46. In any case when it may be necessary the superintending architect shall determine which is the front and which is the rear of a building such determination to be evidenced by his certificate. Any person dissatisfied with such certificate may appeal to the tribunal of appeal. [*See ss. 175—186.*] Superintending architect may define front or rear of buildings.

47. A building (not being a church or chapel) shall not be erected or be subsequently increased to a greater height than eighty feet (exclusive of two storeys in the roof and of ornamental towers turrets or other architectural features or decorations) without the consent of the Council. [*See s. 190.*] Height of buildings limited.

Provided that where a contract shall have been lawfully made previously to the passing of this Act for the erection or increase of a building to a greater height than eighty feet nothing in this section shall prevent the erection or increase of such building to

any height to which it might have been lawfully erected or increased immediately before the passing of this Act.

This section shall not apply to the rebuilding to the same height as at present of any building existing at the passing of this Act of a greater height than eighty feet.

Provided also that where any existing buildings forming part of a continuous block or row of buildings exceed the height prescribed by this section nothing in this section shall prevent any other building in the same block or row belonging at the date of the passing of this Act to the same owner from being carried to a height equal to but not exceeding that of the existing buildings.

Nothing in this section shall affect the exercise of any powers conferred upon any railway company by any special Act of Parliament for railway purposes.

Procedure
where
greater
height
allowed.

48.—(1) Whenever the Council consent to the erection of any building of a greater height than that prescribed by this Act notice of such consent shall within one week after such consent has been given be published and served in such manner as the Council may direct and the consent shall not be acted on until twenty-one days after such publication or service or in the event of any appeal against such consent until after the determination of such appeal.

(2) (a) The owner or lessee of any building or land within one hundred yards of the site of any intended building who may deem himself aggrieved by the grant of such consent in respect of the last-mentioned building ; or

(b) Any applicant for consent which has been refused ; may respectively within twenty-one days after the publication of notice of the consent or after the date of the refusal (as the case may be) appeal to the tribunal of appeal. [See ss. 175—186.]

(3) Whenever such consent has been refused and the applicant to whom it has been refused intends to appeal against such refusal such applicant shall give notice within twenty-one days of such refusal in such manner as the Council may direct to the owner or lessee of any building or land within one hundred yards of the site of the building to which such refusal relates that he intends to appeal from such refusal.

(4) In the case of an appeal against the refusal of consent any owner or lessee of any building or land within one hundred yards of the site of the intended building may appear and be heard before the tribunal of appeal against any application to reverse or vary the refusal.

Heights of
buildings in
certain cases.

49. After the commencement of this Act no existing building (other than a church or chapel) on the side of a street formed or laid out after the seventh day of August one thousand eight hundred and sixty-two and of a less width than fifty feet shall without the consent of the Council be raised and no new building shall without the consent of the Council be erected on the side of any such street so that the height of such building shall exceed the distance of the front or nearest external wall of such building from the opposite side of such street.

Where such building is erected or intended to be erected on a corner plot so as to abut upon more than one street the height of the building shall (unless the Council otherwise consent) be regulated by the wider of such streets so far as it abuts or will abut upon such wider street and also so far as it abuts or will

abut upon the narrower of such streets to a distance of forty feet from the wider street. Provided that any building erected or raised before the commencement of this Act to a height to which no objection could have been taken under any law then in force although exceeding the height provided in this section may be re-erected to its existing height. [See s. 13 (5).]

Nothing in this section shall affect the exercise of any powers conferred upon any railway company by any special Act of Parliament for railway purposes.

50. Nothing in this part of this Act contained shall prevent the raising of any building by increasing the height of the topmost storey thereof to such an extent only as may be necessary for the purpose of bringing any habitable rooms constructed in such topmost storey into conformity with the provisions of this Act relating to habitable rooms.

Raising of buildings so as to comply with provisions of Act as to habitable rooms.

51. Nothing in this part of this Act contained shall prevent the re-erection on the same site and of not greater dimensions of any dwelling-house inhabited or adapted to be inhabited by persons of the working class erected by a local authority previously to the passing of this Act.

As to re-erection of certain working class dwellings of local authority.

52. In the case of domestic buildings and buildings erected or adapted for use as stables such domestic buildings and such stable buildings being upon sites abutting in the front upon a street and in the rear upon mews and such sites being of a depth of not more than one hundred and fifty feet measured from street to mews the following provisions shall in certain cases have effect :—

Saving for certain domestic buildings with stables in the rear.

If the stable buildings be limited to a depth of fifty feet measured from the mews frontage and to a height of twenty-five feet measured from the level of the mews and if the open space required for the domestic building under section 41 of this Act be provided between the domestic building and the stable building the domestic building and the stable building may for all other purposes of the said section whether in one occupation or not be deemed to be one domestic building with the rear abutting upon a street.

PART VI.

CONSTRUCTION OF BUILDINGS.

53. Subject to any byelaws of the Council made in pursuance of this Act walls shall be constructed of the substances and in the manner and of not less than the thickness prescribed by this Act or mentioned in the First Schedule to this Act.

Structure and thickness of walls.

54.—(1) Recesses and openings may be made in external walls provided—

Rules as to recesses and openings.

(a) That the backs of such recesses are not of less thickness than eight and a half inches; and

(b) That the area of such recesses and openings above the ground storey do not taken together exceed one half of the whole area of the wall above the ground storey in which they are made.

(2) Recesses may be made in party walls provided—

(a) That the backs of such recesses are not of less thickness than thirteen inches; and

- (b) That over every recess so formed an arch of at least two rings of brickwork of the full depth of the recess be turned on every storey except in the case of recesses formed for lifts but where such recess does not exceed five inches in depth corbelling in brick or stone may be substituted for the arching ; and
- (c) That the area of such recesses do not taken together exceed one half of the whole area of the wall of the storey in which they are made ; and
- (d) That such recesses do not come within thirteen and a half inches of the inner face of the external walls.

[See ss. 88 (8) and 90.]

(3) An opening shall not be made in any party wall except in accordance with the provisions of this Act in relation thereto. [See ss. 77, 88 (1), and 90.]

Provided that it shall be lawful for the superintending architect on application made to him in accordance with any rules made in that behalf by the Council to give consent in writing to any modification or relaxation of the requirements of this section with respect to the area of recesses and openings in any special cases where he may think proper. The word area as used in this section shall mean the area of the vertical face or elevation of the wall or recess to which it refers.

Rules as to
timber in
external
walls.

55. All woodwork fixed in any external wall except bresssummers and storey posts under the same and frames of doors and windows of shops on the ground storey of any building shall be set back four inches at the least from the external face of such wall. But loop-hole frames and frames of doors and windows may be fixed flush with the face of any external wall : [See s. 73 (3) and (4).]

Provided that it shall be lawful for the Council by byelaw or otherwise to exempt from the provisions of this section oak teak or other wood provided the work be constructed to the satisfaction of the district surveyor. [See s. 164.]

Rules as to
bresssummers.

56.—(1) Every bressummer whether of wood or metal shall have a bearing in the direction of its length of four inches at least at each end upon a sufficient pier of brick or stone or upon a timber or iron storey post fixed on a solid foundation in addition to its bearing upon any party wall or external wall and the district surveyor shall have power in his discretion to require that every bressummer shall have such other storey posts iron columns stanchions or piers of brick or stone or corbels as may be sufficient to carry the superstructure and the ends of such bressummer if of wood shall not be placed nearer to the centre line of the party walls than four inches.

(2) At each end of every metallic bressummer a space shall be left equal to one quarter of an inch for every ten feet and also for any fractional part of ten feet of the length of such bressummer to allow for expansion.

(3) A bond timber or wood plate shall not be built into any party wall and the ends of any wooden beam or joist bearing on such walls shall be at least four inches distant from the centre line of the party walls.

(4) Every bressummer bearing upon a party wall shall be borne by a templet or corbel of stone or iron tailed through at least half the thickness of the wall and of the full breadth of the bressummer.

(5) The end of any timber not permitted to be placed in or to

have a bearing on a party wall may be carried on a corbel or templet of stone or iron or vitrified stoneware tailed into the wall to a distance of at least eight and a half inches or otherwise supported to the satisfaction of the district surveyor.

57. If any gutter any part of which is formed of combustible materials adjoin an external wall such wall shall be carried up so as to form a parapet one foot at the least above the highest part of the gutter and the thickness of the parapet so carried up shall be at least eight and a half inches throughout.

Height and thickness of parapets to external walls.

58. In either of the following cases:—

(a) When a wall is after the commencement of this Act built as a party wall in any part; or

(b) Where a wall built before or after the commencement of this Act becomes after the commencement of this Act a party wall in any part;

the wall shall be deemed a party wall for such part of its length as is so used.

Cases in which a wall to be deemed a party wall.

59.—(1) Every party wall shall be carried up of a thickness in a building of the warehouse class equal to the thickness of such wall in the topmost storey and in any other building of eight and a half inches above the roof flat or gutter of the highest building adjoining thereto to such a height as will give a distance (in a building of the warehouse class exceeding thirty feet in height) of at least three feet and (in any other building) of fifteen inches measured at right angles to the slope of the roof or fifteen inches above the highest part of any flat or gutter as the case may be.

Height of party walls above roof.

(2) Every party wall shall be carried up of the thickness aforesaid above any turret dormer lantern-light or other erection of combustible materials fixed upon the roof or flat of any building within four feet from such party wall and shall extend at the least twelve inches higher and wider on each side than such erection and every party wall shall be carried up above any part of any roof opposite thereto and within four feet therefrom.

60. In a party wall a chase shall not be made wider than fourteen inches nor more than four and a half inches deep from the face of the wall nor so as to leave less than eight and a half inches in thickness at the back or opposite side thereof and a chase shall not be made within a distance of seven feet from any other chase on the same side of the wall or within thirteen inches from an external wall. No chase shall be made in a wall of less thickness than thirteen inches. [*See ss. 88 (8) and 90.*]

Rules as to chases in party walls.

61.—(1) The flat gutter and roof of every building and every turret dormer lantern-light skylight or other erection placed on the flat or roof thereof shall be externally covered with slates tiles metal or other incombustible materials except wooden cornices and bargeboards to dormers not exceeding twelve inches in depth and the doors door frames windows and window frames of such dormers turrets lantern-lights skylights or other erections.

Rules as to construction of roofs.

(2) [*As to buildings exceeding 30 feet in height. Rep. 5 Edw. 7, c. cex. s. 25. See ibid. s. 12.*]

(3) The plane of the surface of the roof of a building of the warehouse class shall not incline from the external or party walls upwards at a greater angle than forty-seven degrees with the horizon. Provided that this sub-section shall not apply to towers turrets or spires.

(4) The plane of the surface of the roof of any other building shall not incline from the external or party walls upwards at a greater angle than seventy-five degrees with the horizon. Provided that this sub-section shall not apply to towers turrets or spires.

Storeys in
roofs.

62. (1) Not more than two storeys shall be constructed in the roof of any domestic building.

(2) Any storey constructed in the roof of any domestic building the upper surface of the floor of which storey is at a height of above sixty feet from the street level shall be constructed of fire-resisting materials throughout.

63. [*As to means of escape at top of buildings exceeding 60 feet in height. Rep. 5 Edw. 7, c. ccix. s. 25. See ibid. ss. 7 and 9.*]

Rules as to
chimneys
and flues.

64.—(1) Chimneys built on corbels of brick stone or other incombustible materials may be erected if the work so corbelled out do not project from the wall more than the thickness of the wall measured immediately below the corbel but all other chimneys shall be built on solid foundations and with footings similar to the footings of the wall against which they are built unless they are carried upon iron girders with direct bearings upon party external or cross walls to the satisfaction of the district surveyor.

(2) Chimneys and flues having proper soot doors of not less than forty square inches may be constructed at any angle but in no other case shall any flue be inclined at a less angle than forty-five degrees to the horizon and every angle shall be properly rounded :

All soot doors shall be at least fifteen inches distant from any woodwork.

(3) An arch of brick or stone or a bar of wrought iron of sufficient strength shall be built over the opening of every chimney to support the breast thereof and if the breast project more than four inches from the face of the wall and the jamb on either side be of less width than seventeen and a half inches the abutments shall be tied in by an iron bar or bars of sufficient strength turned up and down at the ends and built into the jambs for at least eight and a half inches on each side.

(4) A flue shall not be adapted to or used for any new oven furnace cockle steam-boiler or close fire used for any purpose of trade or business or to or for the range or cooking apparatus of any hotel tavern or eating-house unless the flue be surrounded with brickwork at least eight and a half inches thick from the floor on which such oven furnace cockle steam-boiler or close fire is situate to the level of the ceiling of the room next above the same.

(5) A flue shall not be used in connexion with a steam-boiler or hot-air engine unless the flue is at least twenty feet in height measured from the level of the floor on which such engine is placed.

(6) The inside of every flue and also the outside where passing through any floor or roof or behind or against any woodwork shall be rendered pargeted or lined with fire-resisting piping of stoneware.

(7) The position and course of every flue shall be distinguished on the outside of the work as it is carried up by outline marks in some durable manner except when the exterior face of the flue forms part of the outer face of an external wall not likely to be built against.

(8) The jambs of every fireplace opening shall be at least eight and a half inches wide on each side of the opening thereof.

(9) The breast of every chimney and the brickwork surrounding every smoke flue shall be at least four inches in thickness.

(10) The back of every fireplace opening in a party wall from the hearth up to the height of twelve inches above the mantel shall be at least eight and a half inches thick.

(11) The thickness of the upper side of every flue when its course makes with the horizon an angle of less than forty-five degrees shall be at least eight and a half inches.

(12) Every chimney shaft or smoke flue shall be carried up in brick or stone work at least four inches thick throughout to a height of not less than three feet above the roof flat or gutter adjoining thereto measured at the highest point in the line of junction with such roof flat or gutter.

(13) The highest six courses of every chimney-stack or shaft shall be built in cement.

(14) The brickwork or stonework of any chimney shaft except that of the furnace of any steam engine brewery distillery or manufactory shall not be built higher above the roof flat or gutter adjoining thereto than a height equal to six times the least width of such chimney shaft at the level of such highest point in the line of junction unless such chimney shaft is built with and bonded to another chimney shaft not in the same line with the first or otherwise rendered secure.

(15) There shall be laid level with the floor of every storey before the opening of every chimney a slab of stone slate or other incombustible substance at the least six inches longer on each side than the width of such opening and at the least eighteen inches wide in front of the breast thereof.

(16) On every floor except the lowest floor such slab shall be laid wholly upon stone or iron bearers or upon brick trimmers or other incombustible materials but on the lowest floor it may be bedded on concrete covering the site or on solid materials placed on such concrete.

(17) The hearth or slab of every chimney shall be bedded wholly on brick stone or other incombustible substance and shall together with such substance be solid for a thickness of six inches at least beneath the upper surface of such hearth or slab.

(18) A flue shall not be built in or against any party structure unless it be surrounded with new brickwork at least four inches in thickness properly bonded.

(19) A chimney breast or shaft built with or in any party wall shall not be cut away unless the district surveyor certifies that it can be done without injuriously affecting the stability of any building.

(20) A chimney shaft jamb breast or flue shall not be cut into except for the purpose of repair or during some one or more of the following things :—

- (a) Letting in or removing or altering flues pipes or funnels for the conveyance of smoke hot air or steam or letting in removing or altering smoke jacks ;
- (b) Forming openings for soot doors such openings to be fitted with a close iron door and frame ;
- (c) Making openings for the insertion of ventilating valves subject to the following restriction that an opening shall not be made nearer than twelve inches to any timber or combustible substance.

(21) Timber or woodwork shall not be placed—

- (a) In any wall or chimney breast nearer than twelve inches to the inside of any flue or chimney opening ;
- (b) Under any chimney opening within ten inches from the upper surface of the hearth of such chimney opening ;
- (c) Within two inches from the face of the brickwork or stonework about any chimney or flue where the substance of such brickwork or stonework is less than eight and a half inches thick unless the face of such brickwork or stonework is rendered.

(22) Wooden plugs shall not be driven nearer than six inches to the inside of any flue or chimney opening nor any iron holdfast or other iron fastening nearer than two inches thereto.

Furnace
chimney
shafts.

65. Unless the Council otherwise permit every chimney shaft for the furnace of a steam engine brewery distillery or manufactory shall be constructed in conformity with the following rules :—

- (1) Every shaft shall be carried up throughout in brickwork and mortar of the best quality and if detached shall taper gradually from the base to the top of the shaft at the rate of at least two inches and a half in ten feet of height :
- (2) The thickness of brickwork at the top of the shaft and for twenty feet below the top shall be at least eight and a half inches and shall be increased at least one half brick for every additional twenty feet measured downwards :
- (3) Every cap cornice pedestal plinth string course or other variation from plain brickwork shall be provided as additional to the thickness of brickwork required under this Act and every cap shall be constructed and secured to the satisfaction of the district surveyor :
- (4) The foundation of the shaft shall always be made to the satisfaction of the district surveyor on concrete or other sufficient foundation :
- (5) The footings shall spread all round the base by regular offsets to a projection equal to the thickness of the enclosing brickwork at the base of the shaft and the space enclosed by the footings shall be filled in solid as the work progresses :
- (6) The width of the base of the shaft if square shall be at least one tenth of the proposed height of the shaft or if the same is round or of any other shape then one twelfth of the height :
- (7) Any fire bricks built inside the lower portion of the shaft shall be provided as additional to and independent of the thickness of brickwork prescribed by these rules and shall not be bonded therewith.

Rules as to
close fires
and pipes
for convey-
ing vapour
etc.

66.—(1) The floor under every oven copper steam-boiler or stove which is not heated by gas and the floor around the same shall for a space of eighteen inches be formed of materials of an incombustible and non-conducting nature not less than six inches thick.

(2) A pipe for conveying smoke or other products of combustion heated air steam or hot water shall not be fixed against any building on the face adjoining to any street or public way.

(3) A pipe for conveying smoke or other products of combustion shall not be fixed nearer than nine inches to any combustible materials.

(4) A pipe for conveying heated air or steam shall not be fixed nearer than six inches to any combustible materials.

(5) A pipe for conveying hot water shall not be placed nearer than three inches to any combustible materials.

Provided that the restrictions imposed by this section with respect to the distance at which pipes for conveying hot water or steam may be placed from any combustible materials shall not apply in the case of pipes for conveying hot water or steam at low pressure.

For the purposes of this section hot water or steam shall be deemed to be at low pressure when provided with a free blow off.

67. The floor over any room or enclosed space in which a furnace is fixed and any floor within eighteen inches from the crown of an oven shall be constructed of fire-resisting materials. Floors above furnaces and ovens.

68. In every public building and in every other building of more than one hundred and twenty-five thousand feet in cubical extent and which is constructed or adapted to be used as a dwelling-house for separate families the floors of the lobbies corridors passages and landings and also the flights of stairs shall be of fire-resisting material and carried by supports of a fire-resisting material. Rules as to accesses and stairs in certain buildings.

69.—(1) In every building constructed or adapted to be occupied in separate tenements by more than two families the principal staircase used by the several families in common shall be ventilated upon every storey above the ground storey by means of windows or skylights opening directly into the external air or shall be otherwise adequately ventilated. Ventilation of staircases.

(2) The principal staircase in every building being a dwelling-house and not subject to the provisions of sub-section 1 of this section shall be ventilated by means of a window or skylight opening directly into the external air.

70.—(1) (a) Every habitable room except rooms wholly or partly in the roof shall be in every part at least eight feet six inches in height from the floor to the ceiling; Rules as to habitable rooms.

(b) Every habitable room wholly or partly in the roof of any building shall be at least eight feet in height from the floor to the ceiling throughout not less than one half the area of such room;

(c) Every habitable room shall have one or more windows opening directly into the external air or into a conservatory with a total superficies clear of the sash frames free from any obstruction to the light equal to at least one tenth of the floor area of the room and so constructed that a portion equal to at least one twentieth of such floor area can be opened and the opening in each case shall extend to at least seven feet above the floor level but a room having no external wall or a room constructed wholly or partially in the roof may be lighted through the roof by a dormer window with a total superficies clear of the sash frames free from any obstruction to the light equal to at least one twelfth of the floor area of the room and so constructed that a portion of such window equal to at least one twenty-fourth of such floor area can be opened and the opening in each case shall extend to at least five feet above the floor level or such room may be lighted by a lantern-light of which a portion equal to at least one twentieth of the floor area can be opened;

(d) In a building being a dwelling-house every basement room having a wooden floor other than a floor constructed of solid wood bedded on concrete shall have a sufficient space between the ground

and the floor surfaces to admit of ventilation by means of air-bricks or otherwise ;

(e) Every habitable room constructed over a stable shall be separated from the stable by a floor which shall have in every part not occupied by a joist or girder a layer of concrete pugging of good quality or of other solid construction three inches in thickness finished smooth upon the upper surface and properly supported and the under side of such floor shall be ceiled with lath and plaster of good quality or of other solid construction ;

Any staircase or gallery or structure by which such rooms shall be approached shall be separated from any stable to which it may adjoin by a brick wall not less than nine inches in thickness ;

(f) Nothing in this Act shall affect alter or repeal any of the provisions of the Public Health (London) Act 1891 relating to underground rooms. [*See 54 & 55 Vict. c. 76, ss. 96—98.*]

(2) If any person knowingly suffer any room constructed after the commencement of this Act that is not constructed in conformity with this section to be inhabited he shall in addition to any other liabilities to which he may be subject be liable to a penalty for every day during which such room is inhabited.

Rules as to
party arches
over public
ways.

71.—(1) Every party arch or party floor and every arch or floor over any public way or any passage leading through or under a building or part of a building to premises in other occupation shall be formed of brick stone or other incombustible materials.

(2) If an arch of brick or stone be used it shall be of the thickness of eight and a half inches at least and the centre of such arch shall be higher than the springing at the rate of one inch at least for every foot and also for any fractional part of a foot of span.

(3) If an arch or floor of other incombustible material be used it shall be constructed in such manner as may be approved by the district surveyor.

Rules as to
arches under
public ways.

72.—(1) Every arch or other construction under any passage leading to premises in other occupation or under any public way or intended public way shall be formed of brick stone or other incombustible materials.

(2) If an arch of brick or stone be used it shall—

(a) Where its span does not exceed ten feet be of the thickness of eight and a half inches at least ;

(b) Where its span exceeds ten but does not exceed fifteen feet be of the thickness of thirteen inches at least ; and

(c) Where its span exceeds fifteen feet be of such thickness as may be approved by the district surveyor.

(3) If an arch or other construction of other incombustible material be used it shall be constructed in such manner as may be approved by the district surveyor. [*See also 18 & 19 Vict. c. 120, ss. 101—102.*]

Rules as to
projections.

73. The following provisions shall (except with the consent of the Council) apply to projections from buildings :—

(1) Every coping cornice string-course fascia window-dressing portico porch balcony verandah balustrade outside landing outside stairs and outside steps and architectural projection or decoration whatsoever and also the eaves barge-boards and cornices to any overhanging roof except the cornices and dressings to the window fronts of shops and except the eaves barge-boards and cornices to detached and semi-detached dwelling-houses and to other dwelling-houses in

which the party walls are corbelled out so as to project four inches beyond such eaves barge-boards or cornices shall be of brick tile stone artificial stone slate cement or other fireproof material :

For the purpose of this sub-section a pair of semi-detached houses shall be deemed to be one building :

- (2) Every balcony cornice or other projection shall be tailed into the wall of the building and weighted or tied down to the satisfaction of the district surveyor and no cornice shall exceed in projection two feet six inches over the public way :
- (3) In a street or way of a width not greater than thirty feet any shop front may project beyond the external wall of the building to which it belongs to any extent not exceeding five inches and any cornice of any such shop front may project to any extent not exceeding thirteen inches and in any street or way of a width greater than thirty feet any shop front may project to any extent not exceeding ten inches and any cornice of any such shop front may project to any extent not exceeding eighteen inches beyond the external wall of the building to which it belongs over the ground of the owner of the building provided that this provision shall not authorise in any such street the projection of any part of any such shop front other than the cornice on or over the public way or any land to be given up to the public way :
- (4) No part of the woodwork of any shop front shall be fixed higher than twenty-five feet above the level of the pavement of the public footpath in front of the shop. No part of the woodwork of any shop front shall be fixed nearer than four inches to the centre of the party wall where the adjoining premises are separated by a party wall or nearer than four inches to the face of the wall of the adjoining premises where the adjoining premises have a separate wall unless a pier or corbel of stone brick or other incombustible material four inches wide at the least be placed as high as such woodwork and projecting throughout an inch at the least in front thereof between such woodwork and the centre of the party wall or the separate wall as the case may be :
- (5) In a street of a width not less than forty feet or to a building the front wall of which is not at a less distance than forty feet from the opposite boundary of the street bay windows to dwelling-houses may be erected on land belonging to the owner of the building notwithstanding the provisions of this Act relating to buildings beyond the general line of buildings in streets provided that such bay windows—
 - (a) Do not exceed three storeys in height above the level of the footway ;
 - (b) Do not project more than three feet from the main wall of the building to which they are attached ;
 - (c) Do not project in any part within the prescribed distance of the centre of the roadway ; [*See ss. 5 (5) and 13.*]
 - (d) Are in no part nearer to the centre of the nearest party wall than the extreme amount of their projection from the main wall of the building to which they are attached ;

- (e) Do not taken together exceed in width three fifths of the frontage of the building towards the street to which such bays face ;
- (f) Are not constructed upon any part of the public way or upon any land agreed to be given up to the public way ; and
- (g) Shall not be used for trade purposes :
Bay windows to which the foregoing rules do not apply shall not be erected without the consent of the Council after consulting the local authority : [*See ss. 22—31 and 190.*]
- (6) In a street of a width not less than forty feet or to a building the front wall of which is not at a less distance than forty feet from the opposite boundary of the street projecting oriel windows or turrets may be constructed. Provided that—
 - (a) No part of any such projection extend more than three feet from the face of the front wall of the building or more than twelve inches over the public way ;
 - (b) No part of any such projection be less than ten feet above the level of the footway of the street ;
 - (c) No part of any such projection (where it overhangs the public way) be within a distance of four feet of the centre of the nearest party wall ;
 - (d) On no floor shall the total width of any such projections taken together exceed three fifths of the length of the wall of the building on the level of that floor ;
 - (e) Every such projection be constructed to the satisfaction of the district surveyor or in the event of disagreement to the satisfaction of the superintending architect whose determination shall be final :
Oriel windows or turrets to which the foregoing rules do not apply shall not be erected without the consent of the Council after consulting the local authority :
- (7) The roof flat or gutter of every building and every balcony verandah shop front or other similar projection or projecting window shall be so arranged and constructed and so supplied with gutters and pipes as to prevent the water therefrom from dropping upon or running over any public way :
- (8) Except in so far as is permitted by this section in the case of shop fronts and projecting windows and with the exception of water pipes and their appurtenances copings string courses cornices facias window dressings and other like architectural decorations no projection from any building shall extend beyond the general line of buildings in any street except with the permission of the Council after consulting the local authority. [*See ss. 22—31 and 190 ; and see also 5 Edw. 7, c. ccix. s. 10.*]

Separation
of buildings.

74.—(1) Every building shall be separated either by an external wall or by a party wall or other proper party structure from the adjoining building (if any) and from each of the adjoining buildings (if more than one).

(2) In every building exceeding ten squares in area used in part for purposes of trade or manufacture and in part as a dwelling-house the part used for the purposes of trade or manufacture shall be separated from the part used as a dwelling-house by walls and floors constructed of fire-resisting materials and all passages staircases

and other means of approach to the part used as a dwelling-house shall be constructed throughout of fire-resisting materials. The part used for purposes of trade or manufacture shall (if extending to more than two hundred and fifty thousand cubic feet) be subject to the provisions of this Act relating to the cubical extent of buildings of the warehouse class : [See s. 75.]

Provided that there may be constructed in the walls of such staircases and passages such doorways as are necessary for communicating between the different parts of the building and there may be formed in any walls of such building openings fitted with fire-resisting doors.

(3) In every building exceeding twenty-five squares in area containing separate sets of chambers or offices or rooms tenanted or constructed or adapted to be tenanted by different persons the floors and principal staircases shall be of fire-resisting materials :

But this provision shall not entitle the district surveyor to charge for the inspection of each set of chambers as a separate building. [See 5 *Edw.* 7, c. ccix. s. 18.]

75. Except as in this section provided no building of the warehouse class shall extend to more than two hundred and fifty thousand cubic feet unless divided by party walls in such manner that no division thereof extend to more than two hundred and fifty thousand cubic feet. Cubical extent of buildings.

No addition shall be made to any building of the warehouse class or to any division thereof so that the cubical extent of any such building or division shall exceed two hundred and fifty thousand cubic feet.

The restriction contained in this section upon the cubical extent of a building shall not apply to any building which being at a greater distance than two miles from St. Paul's Cathedral is used wholly for the manufacture of the machinery and boilers of steam vessels or for a retort-house or the manufacture of gas or for generating electricity provided that such building consist of one floor only and be constructed of brick stone iron or other incombustible material throughout and shall not be used for any purpose other than such as herein-before specified. Every such building shall for the purpose of the provisions of this Act with respect to special buildings be deemed to be a building to which the general rules of this Act are inapplicable. [See ss. 82, 200 (8) and 203.]

76. Where the Council are satisfied on the report of the superintending architect and of the chief officer of the fire brigade that additional cubical extent is necessary for any building to be used for any trade or manufacture and are satisfied that proper arrangements have been or will be made and maintained for lessening so far as reasonably practicable danger from fire the Council may consent to such building containing additional cubical extent : Consent to larger dimensions.

Provided that such building shall not—

- (i) Extend to a number of cubic feet exceeding four hundred and fifty thousand or any less number allowed by the Council without being divided by party walls in such manner that the cubical extent of each division do not exceed that number ;
- (ii) Exceed sixty feet in height :
- (iii) Be used for the purpose of any trade or manufacture involving the use of explosives or inflammable materials.

Such consent shall continue in force only while the said building is actually used for the purposes of the trade or manufacture in respect of which the consent was granted. [*See also ss. 190 and 206.*]

Rules as to
uniting
buildings.

77.—(1) Buildings shall not be united except where they are wholly in one occupation or are constructed or adapted to be so.

(2) Buildings shall not be united if when so united and considered as one building only they would not be in conformity with this Act.

(3) An opening shall not be made in any party wall or in two external walls dividing buildings which if taken together would extend to more than two hundred and fifty thousand cubic feet except under the following conditions:—

(a) Such opening shall not exceed in width seven feet or in height eight feet and such opening or openings taken together shall not exceed one half the length of such party wall on each floor of the building in which they occur;

(b) Such opening shall have the floor jambs and head formed of brick stone or iron and be closed by two wrought iron doors each one fourth of an inch thick in the panel at a distance from each other of the full thickness of the wall fitted to rebated frames without woodwork of any kind or by wrought iron sliding doors or shutters properly constructed fitted into grooved or rebated iron frames;

(c) If the thickness of the wall be not less than twenty-four inches or the doors be placed at a distance from each other of not less than twenty-four inches such opening may be nine feet six inches in height.

(4) Whenever any buildings which have been united cease to be in one occupation all openings made for the purpose of uniting the same in any party wall between the buildings or in any external wall shall be stopped up with brick or stone work not less than thirteen inches in thickness (except in the case of a wall eight and a half inches in thickness in which case eight and a half inches shall be sufficient) and properly bonded with such wall and any timber not in conformity with this Act placed in the wall shall be removed.

(5) Whenever any buildings which have been united cease to be in one occupation the owner thereof shall forthwith give notice to the district surveyor and shall cause any openings made in the party wall to be stopped up and bonded as aforesaid.

Construction
of public
buildings.

78. Notwithstanding anything in this Act every public building including the walls roofs floors galleries and staircases and every structure and work constructed or done in connexion with or for the purposes of the same shall be constructed in such manner as may be approved by the district surveyor or in the event of disagreement may be determined by the tribunal of appeal and save so far as respects the rules of construction every public building shall throughout this Act be deemed to be included in the term building and be subject to all the provisions of this Act in the same manner as if it were a building erected for a purpose other than a public purpose. [*See ss. 175—186.*]

No public building shall be used as such until the district surveyor or the tribunal of appeal shall have declared his or their approval of the construction thereof.

After the district surveyor shall have so declared his approval or shall certify that it has been constructed as directed by the tribunal of appeal any work affecting or likely to affect the building shall not be done to in or on the building without the approval of the district surveyor or such certificate as aforesaid.

79. Where it is proposed to convert or alter any building erected for a purpose other than a public purpose into a public building such conversion or alteration shall be carried into effect and the public building thereby formed including the walls roofs floors galleries and staircases thereof shall be constructed in such manner as may be approved by the district surveyor or in the event of disagreement may be determined by the tribunal of appeal and the provisions of this Act shall apply to such alteration or conversion as though it were the construction of a public building. [See ss. 175—186.]

Conversion of houses etc. into public buildings.

80. The following rules shall be observed with respect to new churches chapels meeting-houses public halls public lecture rooms public exhibition rooms and public places of assembly or additions or alterations by which increased accommodation is to be provided to existing churches chapels and meeting-houses public halls public lecture rooms public exhibition rooms or public places of assembly :—

Staircases in churches and chapels.

- (a) Every staircase for the use of the public shall be supported and enclosed by brick walls not less than nine inches thick. The treads of each flight of stairs shall be of uniform width :
- (b) No staircase internal corridor or passage-way for the use of the public shall be less than four feet six inches wide. Provided that where not more than two hundred persons are to be accommodated in such church chapel meeting-house hall lecture room exhibition room or place of assembly such staircase internal corridor or passage-way may be of the width of three feet six inches :
- (c) Every staircase corridor or passage-way for the use of the public and which communicates with any portion of the building intended for the accommodation of a larger number of the public than four hundred shall be increased in width by six inches for every additional one hundred persons until a maximum width of nine feet be obtained. Provided always that in every case where the staircases are six feet wide and upwards they shall be divided by a hand-rail. Provided also that in lieu of a single staircase corridor or passage-way of the width in this sub-section prescribed it shall be lawful to substitute two staircases corridors or passage-ways each being of a width at least equal to two thirds of the width in this sub-section prescribed for the single staircase corridor or passage-way but so that neither of such two substituted corridors staircases or passage-ways shall be less than three feet six inches wide :
- (d) In all cases where a portion of the public is to be accommodated over or at a higher level than others of the public a separate means of exit of the width above prescribed for staircases internal corridors or passage-ways and communicating directly with the street or open space shall be provided from each floor or level :

(e) All doors and barriers shall be made to open outwards and no outside locks or bolts are to be affixed thereto.

[*See* 41 & 42 *Vict. c. 32, ss. 11 and 12; and 45 & 46 Vict. c. lvi. s. 45.*]

Application
of Act to
buildings
under rail-
way arches.

81. Where a building erected after the commencement of this Act under or in or by inclosure of a railway arch or abutting thereon is constructed or adapted to be used for human habitation this Act shall apply to the building and to every work done to in or on the same in like manner and to the like extent as far as may be as if the building were built in any other position. [*See s. 201 (8).*]

PART VII.

SPECIAL AND TEMPORARY BUILDINGS AND WOODEN STRUCTURES.

Application
to Council
for buildings
to which
rules of Act
are inap-
plicable.

82.—(1) Where a builder is desirous of erecting an iron building or structure or any other building or structure to which the general provisions of Part VI. of this Act are inapplicable or in the opinion of the Council inappropriate having regard to the special purpose for which the building or structure is designed and actually used he shall make an application to the Council accompanied by a plan of the proposed building with such particulars as to the construction thereof as may be required by the Council. [*See s. 194.*]

(2) The Council if satisfied with such plan and particulars shall signify their approval of the same in writing and thereupon the building may be constructed according to such plan and particulars but the Council shall not authorise any building of the warehouse class to be erected of greater cubical extent than two hundred and fifty thousand cubic feet except in accordance with the foregoing provisions of this Act. [*See ss. 75, 76, 190 and 195.*]

(3) The Council may for the purpose of regulating the procedure in relation to such applications issue such general rules as they think fit as to the time and manner of making applications and as to the plans to be presented the expenses to be incurred and any other matter or thing connected therewith.

(4) All expenses incurred in and about the obtaining the approval of the Council shall be paid by the builder to the superintending architect or to such other person as the Council may appoint and in default of payment may be recovered in a summary manner. [*See s. 166.*]

(5) A copy of any plans and particulars approved by the Council shall be furnished to the district surveyor within whose district the building to which such plans and particulars relate is situate and it shall be his duty to ascertain that the same is built in accordance with the said plans and particulars.

Control by
Council of
certain
temporary
buildings.

83. Where an application is made to the Council by any person stating his desire to erect in any place an iron or other building or structure of a temporary character to which the general provisions of Part VI. of this Act are inapplicable the Council may if they approve of the plan and particulars of the building or structure limit the period during which it shall be allowed to remain in that place and may make their approval subject to such conditions as to the removal of the building or structure or otherwise as they think fit and if at the expiration of that period the building or structure be not removed in accordance with those conditions the Council may serve a notice on the occupier or owner of such building or structure requiring him to remove it within a reasonable time specified in the

notice and if the occupier or owner fail to remove such building or structure within the time named the Council may notwithstanding the imposition and recovery of any penalty cause complaint thereof to be made before a petty sessional court who shall thereupon issue a summons requiring such occupier or owner to appear to answer such complaint and if the said complaint is proved to the satisfaction of the Court the Court may make an order in writing authorising the Council to enter upon the land upon which such building is situated and to remove or take down the same and do whatever may be necessary for such purpose and also to remove the materials of which the same is composed to a convenient place and (unless the expenses of the Council be paid to them within fourteen days after such removal) sell the same as they think proper.

84.—(1) No person shall set up in any place any wooden structure (unless it be exempt from the operation of this part of this Act) except hoardings enclosing vacant land and not exceeding in any part twelve feet in height without having first obtained for that purpose a licence from the Council and the licence may contain such conditions with respect to the structure and the time for which it is to be permitted to continue in the said place as the Council think expedient.

Wooden structures not to be erected without licence of Council.

(2) Provided that a licence shall not be required in the case of any wooden structure of a movable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair.

Provided that this section shall not extend to or apply within the City or to any hoarding duly licensed by the local authority under any statutory powers in that behalf.

[See 18 & 19 Vict. c. 120, ss. 121 (*and note thereon*), 122, and 123; the City of London Sewers Act 1848, s. 162; and 62 & 63 Vict. c. 14, s. 5, and 2nd Schedule, Part I.]

85. This part of this Act shall not apply in the case of a pile stack or store of timber not being a structure affixed or fastened to the ground. [See s. 197.]

Piles of loose timber not regarded as structures.

86. Structures or erections erected or set up upon the premises of any railway company and used for the purposes of or in connexion with the traffic of such railway company shall be exempt from the operation of this part of this Act. [See s. 200 (8).]

As to structures of railway companies.

PART VIII.

RIGHTS OF BUILDING AND ADJOINING OWNERS.

87. Where lands of different owners adjoin and are unbuilt on at the line of junction and either owner is about to build on any part of the line of junction the following provisions shall have effect :—

Rights of owners of adjoining lands

(1) If the building owner desire to build a party wall on the line of junction he may serve notice thereof on the adjoining owner describing the intended wall : [See *also* s. 93.]

respecting erection of walls on line of junction.

(2) If the adjoining owner consent to the building of a party wall the wall shall be built half on the land of each of the two owners or in such other position as may be agreed between the two owners :

- (3) The expense of the building of the party wall shall be from time to time defrayed by the two owners in due proportion regard being had to the use made and which may be made of the wall by the two owners respectively :
- (4) If the adjoining owner do not consent to the building of a party wall the building owner shall not build the wall otherwise than as an external wall placed wholly on his own land :
- (5) If the building owner do not desire to build a party wall on the line of junction but desires to build an external wall placed wholly on his own land he may serve notice thereof on the adjoining owner describing the intended wall :
- (6) Where in either of the cases aforesaid the building owner proceeds to build an external wall on his own land he shall have a right at his own expense at any time after the expiration of one month from the service of the notice to place on the land of the adjoining owner below the level of the lowest floor the projecting footings of the external wall with concrete or other solid substructure thereunder making compensation to the adjoining owner or occupier for any damage occasioned thereby the amount of such compensation if any difference arise to be determined in the manner in which differences between building owners and adjoining owners are herein-after directed to be determined : [*See s. 91.*]

Where an external wall is built against another external wall or against a party wall it shall be lawful for the district surveyor to allow the footing of the side next such other external or party wall to be omitted.

88. The building owner shall have the following rights in relation to party structures (that is to say) :—

- (1) A right to make good underpin or repair any party structure which is defective or out of repair :
- (2) A right to pull down and rebuild any party structure which is so far defective or out of repair as to make it necessary or desirable to pull it down :
- (3) A right to pull down any timber or other partition which divides any buildings and is not conformable with the regulations of this Act and to build instead a party wall conformable thereto :
- (4) In the case of buildings having rooms or storeys the property of different owners intermixed a right to pull down such of the said rooms or storeys or any part thereof as are not built in conformity with this Act and to rebuild the same in conformity with this Act :
- (5) In the case of buildings connected by arches or communications over public ways or over passages belonging to other persons a right to pull down such of the said buildings arches or communications or such parts thereof as are not built in conformity with this Act and to rebuild the same in conformity with this Act :
- (6) A right to raise and underpin any party structure permitted by this Act to be raised or underpinned or any external wall built against such party structure upon condition of making good all damage occasioned thereby to the adjoining premises or to the internal finishings and decorations

thereof and of carrying up to the requisite height all flues and chimney stacks belonging to the adjoining owner on or against such party structure or external wall :

- (7) A right to pull down any party structure which is of insufficient strength for any building intended to be built and to rebuild the same of sufficient strength for the above purpose upon condition of making good all damage occasioned thereby to the adjoining premises or to the internal finishings and decorations thereof :
- (8) A right to cut into any party structure upon condition of making good all damage occasioned to the adjoining premises by such operation :
- (9) A right to cut away any footing or any chimney breasts jambs or flues projecting or other projections from any party wall or external walls in order to erect an external wall against such party wall or for any other purpose upon condition of making good all damage occasioned to the adjoining premises by such operation :
- (10) A right to cut away or take down such parts of any wall or building of an adjoining owner as may be necessary in consequence of such wall or building overhanging the ground of the building owner in order to erect an upright wall against the same on condition of making good any damage sustained by the wall or building by reason of such cutting away or taking down :
- (11) A right to perform any other necessary works incident to the connexion of a party structure with the premises adjoining thereto. But the above rights shall be subject to this qualification that any building which has been erected previously to the date of the commencement of this Act shall be deemed to be conformable with the provisions of this Act if it be conformable with the provisions of the Acts of Parliament regulating buildings in London before the commencement of this Act : [See s. 210.]
- (12) A right to raise a party fence wall or to pull the same down and rebuild it as a party wall.

89.—(1) Where a building owner proposes to exercise any of the foregoing rights with respect to party structures the adjoining owner may by notice require the building owner to build on any such party structure such chimney copings jambs or breasts or flues or such piers or recesses or any other like works as may fairly be required for the convenience of such adjoining owner and may be specified in the notice and it shall be the duty of the building owner to comply with such requisition in all cases where the execution of the required works will not be injurious to the building owner or cause to him unnecessary inconvenience or unnecessary delay in the exercise of his right. [See ss. 94 and 100.]

Rights of adjoining owner.

(2) Any difference that arises between a building owner and adjoining owner in respect of the execution of any such works shall be determined in manner in which differences between building owners and adjoining owners are herein-after directed to be determined. [See s. 91.]

90.—(1) A building owner shall not except with the consent in writing of the adjoining owner and of the adjoining occupiers or in cases where any wall or party structure is dangerous (in which cases

Rules as to exercise of rights by building and

adjoining
owners.

the provisions of Part IX. of this Act shall apply) exercise any of his rights under this Act in respect of any party fence wall unless at least one month or exercise any of his rights under this Act in relation to any party wall or party structure other than a party fence wall unless at least two months before doing so he has served on the adjoining owner a party wall or party structure notice stating the nature and particulars of the proposed work and the time at which the work is proposed to be commenced.

(2) When a building owner in the exercise of any of his rights under this part of the Act lays open any part of the adjoining land or building he shall at his own expense make and maintain for a proper time a proper hoarding and shoring or temporary construction for protection of the adjoining land or building and the security of the adjoining occupier. [*See notes on s. 84.*]

(3) A building owner shall not exercise any right by this Act given to him in such manner or at such time as to cause unnecessary inconvenience to the adjoining owner or to the adjoining occupier.

(4) A party wall or structure notice shall not be available for the exercise of any right unless the work to which the notice relates is begun within six months after the service thereof and is prosecuted with due diligence.

(5) Within one month after receipt of such notice the adjoining owner may serve on the building owner a notice requiring him to build on any such party structure any works to the construction of which he is herein-before declared to be entitled.

(6) The last-mentioned notice shall specify the works required by the adjoining owner for his convenience and shall if necessary be accompanied by explanatory plans and drawings.

(7) If either owner do not within fourteen days after the service on him of any notice express his consent thereto he shall be considered as having dissented therefrom and thereupon a difference shall be deemed to have arisen between the building owner and the adjoining owner.

Settlement
of difference
between
building and
adjoining
owners.

91.—(1) In all cases not specially provided for by this Act where a difference arises between a building owner and adjoining owner in respect of any matter arising with reference to any work to which any notice given under this part of this Act relates unless both parties concur in the appointment of one surveyor they shall each appoint a surveyor and the two surveyors so appointed shall select a third surveyor and such one surveyor or three surveyors or any two of them shall settle any matter from time to time during the continuance of any work to which the notice relates in dispute between such building and adjoining owner with power by his or their award to determine the right to do and the time and manner of doing any work and generally any other matter arising out of or incidental to such difference but any time so appointed for doing any work shall not unless otherwise agreed commence until after the expiration of the period by this part of this Act prescribed for the notice in the particular case.

(2) Any award given by such one surveyor or by such three surveyors or by any two of them shall be conclusive and shall not be questioned in any court with this exception that either of the parties to the difference may appeal therefrom to the county court within fourteen days from the date of the delivery of the award and the county court may subject as hereafter in this section

mentioned rescind the award or modify it in such manner as it thinks just.

(3) If either party to the difference make default in appointing a surveyor for ten days after notice has been served on him by the other party to make such appointment the party giving the notice may make the appointment in the place of the party so making default.

(4) The costs incurred in making or obtaining the award shall be paid by such party as the surveyor or surveyors determine.

(5) If the appellant from any such award on appearing before the county court declare his unwillingness to have the matter decided by that court and prove to the satisfaction of the judge of that court that in the event of the matter being decided against him he will be liable to pay a sum exclusive of costs exceeding fifty pounds and gives security to be approved by the judge duly to prosecute his appeal and to abide the event thereof all proceedings in the county court shall thereupon be stayed and the appellant may bring an action in the High Court against the other party to the difference.

(6) The plaintiff in such action shall deliver to the defendants an issue whereby the matters in difference between them may be tried and the form of such issue in case of dispute or in case of the non-appearance of the defendant shall be settled by the High Court and such action shall be prosecuted and issue tried in the same manner and subject to the same incidents in and subject to which actions are prosecuted and issues tried in other cases within the jurisdiction of the High Court or as near thereto as circumstances admit.

(7) If the parties to any such action agree as to the facts a special case may be stated for the opinion of the High Court and any case so stated may be brought before the court in like manner and subject to the same incidents in and subject to which other special cases are brought before such court or as near thereto as circumstances admit and any costs that may have been incurred in the county court by the parties to such action as is mentioned in this section shall be deemed to be costs incurred in such action and be payable accordingly.

(8) Where both parties to the difference have concurred in the appointment of one surveyor for the settlement of such difference then if such surveyor refuse or for seven days neglect to act or die or become incapable to act before he has made his award the matters in dispute shall be determined in the same manner as if such single surveyor had not been appointed.

(9) Where each party to the difference has appointed a surveyor for the settlement of the difference and a third surveyor has been selected then if such third surveyor refuse or for seven days neglect to act or before such difference is settled die or become incapable to act the two surveyors shall forthwith select another third surveyor in his place and every third surveyor so selected as last aforesaid shall have the same powers and authorities as were vested in his predecessor.

(10) Where each party to the difference has appointed a surveyor for the settlement of the difference then if the two surveyors so appointed refuse or for seven days after request of either party neglect to select a third surveyor or another third surveyor in the event of the refusal or neglect to act death or incapacity of the third surveyor for the time being a Secretary of State may on the

application of either party select some fit person to act as third surveyor and every surveyor so selected shall have the same powers and authorities as if he had been selected by the two surveyors appointed by the parties.

(11) Where each party to the difference has appointed a surveyor for the settlement of the difference then if before such difference is settled either surveyor so appointed die or become incapable to act the party by whom such surveyor was appointed may appoint in writing some other surveyor to act in his place and if for the space of seven days after notice served on him by the other party for that purpose he fail to do so the other surveyor may proceed *ex parte* and the decision of such other surveyor shall be as effectual as if he had been a single surveyor in whose appointment both parties had concurred and every surveyor so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former surveyor at the time of his death or disability as aforesaid.

(12) Where each party to the difference has appointed a surveyor for the settlement of the difference then if either of the surveyors refuse or for seven days neglect to act the other surveyor may proceed *ex parte* and the decision of such other surveyor shall be as effectual as if he had been a single surveyor in whose appointment both parties had concurred.

Power for
building
owner to
enter
premises.

92. A building owner his servants agents and workmen at all usual times of working may enter and remain on any premises for the purpose of executing and may execute any work which he has become entitled or is required in pursuance of this Act to execute removing any furniture or doing any other thing which may be necessary and if the premises are closed he and they may accompanied by a constable or other officer of the peace break open any fences or doors in order to effect such entry :

Provided that before entering on any premises for the purposes of this section the building owner shall except in the case of emergency give fourteen days notice of his intention so to do to the owner and occupier and in case of emergency shall give such notice as may be reasonably practicable.

Building
owner to
underpin
adjoining
owner's
building.

93. Where a building owner intends to erect within ten feet of a building belonging to an adjoining owner a building or structure any part of which within such ten feet extends to a lower level than the foundations of the building belonging to the adjoining owner he may and if required by the adjoining owner shall (subject as herein-after provided) underpin or otherwise strengthen the foundations of the said building so far as may be necessary and the following provisions shall have effect :—

(1) At least two months notice in writing shall be given by the building owner to the adjoining owner stating his intention to build and whether he proposes to underpin or otherwise strengthen the foundations of the said building and such notice shall be accompanied by a plan and sections showing the site of the proposed building and the depth to which he proposes to excavate :

(2) If the adjoining owner shall within fourteen days after being served with such notice give a counter notice in writing that he disputes the necessity of or require such underpinning or strengthening a difference shall be deemed to have arisen between the building owner and the adjoining owner : [See s. 91.]

- (3) The building owner shall be liable to compensate the adjoining owner and occupier for any inconvenience loss or damage which may result to them by reason of the exercise of the powers conferred by this section :
- (4) Nothing in this section contained shall relieve the building owner from any liability to which he would otherwise be subject in case of injury caused by his building operations to the adjoining owner. [*See ss. 93 and 95.*]

94. An adjoining owner may if he think fit by notice in writing require the building owner (before commencing any work which he may be authorised by this part of this Act to execute) to give such security as may be agreed upon or in case of difference may be settled by the Judge of the County Court for the payment of all such expenses costs and compensation in respect of the work as may be payable by the building owner. [*See ss. 93 and 95.*]

Security to be given by building owner and adjoining owner.

The building owner may if he think fit at any time after service on him of a party wall or party structure requisition by the adjoining owner and before beginning a work to which the requisition relates but not afterwards serve a counter requisition on the adjoining owner requiring him to give such security for payment of the expenses costs and compensation for which he is or will be liable as may be agreed upon or in case of difference may be settled as aforesaid. [*See ss. 95 and 100.*]

If the adjoining owner do not within one month after service of that counter requisition give security accordingly he shall at the end of that month be deemed to have ceased to be entitled to compliance with his party wall or party structure requisition and the building owner may proceed as if no party wall or party structure requisition had been served on him by the adjoining owner.

95.—(1) As to expenses to be borne jointly by the building owner and adjoining owner :—

Rules as to expenses in respect of party structures.

- (a) If any party structure be defective or out of repair the expense of making good underpinning or repairing the same shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner makes or may make of the structure ;
- (b) If any party structure be pulled down and rebuilt by reason of its being so far defective or out of repair as to make it necessary or desirable to pull it down the expense of such pulling down and rebuilding shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner may make of the structure ;
- (c) If any timber or other partition dividing a building be pulled down in exercise of the right by this part of this Act vested in a building owner and a party structure be built instead thereof the expense of building such party structure and also of building any additional party structures that may be required by reason of the partition having been pulled down shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner may make of the party structure and to the thickness required for support of the respective buildings parted thereby ;
- (d) If any rooms or storeys or any parts thereof the property of different owners and intermixed in any building be pulled

down in pursuance of the right by this part of this Act vested in a building owner and be rebuilt in conformity with this Act the expense of such pulling down and rebuilding shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner may make of such rooms or storeys ;

- (e) If any arches or communications over public ways or over passages belonging to other persons than the owners of the buildings connected by such arches or communications or any parts thereof be pulled down in pursuance of the right by this part of this Act vested in a building owner and be rebuilt in conformity with this Act the expense of such pulling down and rebuilding shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner may make of such arches or communications.

(2) As to expenses to be borne by the building owner :—

- (a) If any party structure or any external wall built against another external wall be raised or underpinned in pursuance of the power by this part of this Act vested in a building owner the expense of raising or underpinning the same and of making good all damage occasioned thereby and of carrying up to the requisite height all such flues and chimney-stacks belonging to the adjoining owner on or against any such party structure or external wall as are by this part of this Act required to be made good and carried up shall be borne by the building owner ;
- (b) If any party structure which is of proper materials and sound or not so far defective or out of repair as to make it necessary or desirable to pull it down be pulled down and rebuilt by the building owner the expense of pulling down and rebuilding the same and of making good any damage by this part of this Act required to be made good and a fair allowance in respect of the disturbance and inconvenience caused to the adjoining owner shall be borne by the building owner ;
- (c) If any party structure be cut into by the building owner the expense of cutting into the same and of making good any damage by this part of this Act required to be made good shall be borne by such building owner ;
- (d) If any footing chimney breast jambs or floor be cut away in pursuance of the powers by this part of this Act vested in a building owner the expense of such cutting away and of making good any damage by this part of this Act required to be made good shall be borne by the building owner ;
- (e) If any party fence wall be raised for a building the expense of raising such wall shall be borne by the building owner ;
- (f) If any party fence wall be pulled down and built as a party wall the expense of pulling down such party fence wall and building the same as a party wall shall be borne by the building owner.

If at any time the adjoining owner make use of any party structure or external wall (or any part thereof) raised or underpinned as aforesaid or of any party fence wall pulled down and built as a party wall (or any part thereof) beyond the use thereof made by him before the alteration there shall be borne by the adjoining

owner from time to time a due proportion of the expenses (having regard to the use that the adjoining owner may make thereof) :—

- (i) Of raising or underpinning such party structure or external wall and of making good all such damage occasioned thereby to the adjoining owner and of carrying up to the requisite height all such flues and chimney-stacks belonging to the adjoining owner on or against any such party structure or external wall as are by this part of this Act required to be made good and carried up ;
- (ii) Of pulling down and building such party fence wall as a party wall.

96. Within one month after the completion of any work which a building owner is by this part of this Act authorised or required to execute and the expense of which is in whole or in part to be borne by an adjoining owner the building owner shall deliver to the adjoining owner an account in writing of the particulars and expense of the work specifying any deduction to which such adjoining owner or other person may be entitled in respect of old materials or in other respects and every such work shall be estimated and valued at fair average rates and prices according to the nature of the work and the locality and the market price of materials and labour at the time.

Account of expenses to be delivered to adjoining owner.

97. At any time within one month after the delivery of the said account the adjoining owner if dissatisfied therewith may declare his dissatisfaction to the building owner by notice in writing served by himself or his agent and specifying his objection thereto and thereupon a difference shall be deemed to have arisen between the parties and shall be determined in manner herein-before in this part of this Act provided for the settlement of differences between building and adjoining owners. [See s. 91.]

Adjoining owner may object to account.

98. If within the said period of one month the adjoining owner do not declare in the said manner his dissatisfaction with the account he shall be deemed to have accepted the same and shall pay the same on demand to the party delivering the account and if he fail to do so the amount so due may be recovered as a debt.

Building owner may recover if no appeal made.

99. Where the adjoining owner is liable to contribute to the expenses of building any party structure then until such contribution is paid the building owner at whose expense the same was built shall stand possessed of the sole property in the structure.

Structure to belong to building owner until contribution paid.

100. The adjoining owner shall be liable for all expenses incurred on his requisition by the building owner and in default payment of the same may be recovered from him as a debt.

Adjoining owner liable to expenses incurred

101. Nothing in this Act shall authorise any interference with an easement of light or other easements in or relating to a party wall or take away abridge or prejudicially affect any right of any person to preserve or restore any light or other thing in or connected with a party wall in case of the party wall being pulled down or rebuilt.

on his requisition. Saving for lights in party walls etc.

PART IX.

DANGEROUS AND NEGLECTED STRUCTURES.

Dangerous Structures.

102. In this part of this Act the expression "structure" includes any building wall or other structure and anything affixed to or projecting from any building wall or other structure.

Meaning of structure.

Survey to be made of dangerous structures.

103.—(1) Where it is made known to the Council that any structure is in a dangerous state the Council shall require a survey of such structure to be made by the district surveyor or by some other competent surveyor.

(2) For the purposes of this part of this Act the expression “district surveyor” shall be deemed to include any surveyor so appointed.

(3) The district surveyor shall make known to the Council any information which he may receive with respect to any structure being in a dangerous state.

(4) It shall be lawful for the district surveyor to enter into any structure or upon any land upon which any structure is situate for the purpose of making a survey of such structure.

Effect of this part of Act within the City.

104. In cases where any such structure is situate within the City this part of this Act relating to dangerous structures shall be read as if the Commissioners of Sewers* were named therein instead of the Council and all costs and expenses of and all payments hereby directed to be made by or to such Commissioners shall be made by or to the Chamberlain of the City out of or to the consolidated rate made by such Commissioners in the same manner as payments are made by or to such Chamberlain in the ordinary course of his business.

Surveyor to give certificate.

105. Upon the completion of his survey the district surveyor employed shall certify to the Council his opinion as to the state of the structure.

Notice to be given to owner in respect of certificate.

106. If the certificate is to the effect that the structure is not in a dangerous state no further proceedings shall be had in respect thereof but if it is to the effect that the same is in a dangerous state the Council may cause the same to be shored up or otherwise secured and a proper hoard or fence to be put up for the protection of passengers and shall cause notice to be served on the owner or occupier of the structure requiring him forthwith to take down secure or repair the same as the case requires. [*See also 61 & 62 Vict. c. cxxxvii, s. 5.*]

Proceedings to enforce compliance with notice.

107.—(1) If the owner or occupier on whom the notice is served fail to comply as speedily as the nature of the case permits with the notice a petty sessional court on complaint by the Council may order the owner to take down repair or otherwise secure to the satisfaction of the district surveyor the structure or such part thereof as appears to the court to be in a dangerous state within a time to be fixed by the order and if the same be not taken down repaired or otherwise secured within the time so limited the Council may with all convenient speed cause all or so much of the structure as is in a dangerous condition to be taken down repaired or otherwise secured in such manner as may be requisite :

Provided that if the owner of the structure dispute the necessity of any of the requisitions comprised in the notice he may by notice in writing to the Council within seven days from the service of the notice upon himself require that the subject shall be referred to arbitration.

(2) In case the owner require arbitration he may at the time of giving such notice appoint an independent surveyor to report on the condition of the structure in conjunction with the district surveyor

* Now the Mayor, Commonalty, and Citizens of the City of London. See the City of London Sewers Act 1897.

within seven days of the receipt by the Council of the notice of appointment of the owner's surveyor and all questions of fact or matters in dispute which cannot be agreed between the owner's surveyor and the district surveyor shall be referred for final decision to a third surveyor who shall (before the owner's surveyor and the district surveyor enter upon the discussion of the question in dispute) have been appointed to act as arbitrator by such two surveyors or in the event of their disagreeing by a petty sessional court on the application of either of them:

Such arbitrator shall make his award within fourteen days.

(3) The notice served by the Council shall be discharged amended or confirmed in accordance with the decision of the two surveyors or the arbitrator as the case may be.

(4) Unless the arbitrator otherwise direct the costs of and incident to the determination by the two surveyors or the arbitrator of the question in dispute shall be borne and paid in the event of such determination being adverse to the contention of the district surveyor by the Council or in the event of such determination being adverse to the contention of the owner's surveyor by the owner.

[*Note to s. 106 applies.*]

108. Notwithstanding any such notice requiring arbitration as aforesaid a petty sessional court on complaint by the Council may if of opinion that the structure is in such a dangerous condition as to require immediate treatment make any order which such court may think fit with respect to the taking down repairing or otherwise securing the structure. Court may make order notwithstanding arbitration.

109.—(1) All expenses incurred by the Council in relation to the obtaining of any order as to a dangerous structure and carrying the same into effect under this part of this Act shall be paid by the owner of the structure but without prejudice to his right to recover the same from any person liable to the expenses of repairs. Expenses.
[*See s. 173.*]

(2) If the owner cannot be found or if on demand he refuse or neglect to pay the said expenses the Council after serving on him three months notice of their intention to do so may if in their discretion they think fit sell the structure but they shall after deducting from the proceeds of the sale the amount of all expenses incurred by them pay the surplus (if any) to the owner on demand.

110. Where under this part of this Act any dangerous structure is sold for payment of the expenses incurred in respect thereof by the Council the purchaser his agents and servants may enter upon the land whereon the structure is standing for the purpose of taking down the same and of removing the materials of which it is constructed. Provisions respecting sale of dangerous structures.

111. Where the proceeds of the sale of any such structure are insufficient to repay to the Council the amount of the expenses incurred by them in respect of such structure no part of the land whereon the structure stands or stood shall be built upon until after the balance due to the Council in respect of the structure has been paid. If proceeds insufficient land not to be built on till balance paid.
[*See also s. 116.*]

112. If the materials are not sold by the Council or if the proceeds of the sale are insufficient to defray the said expenses the Council may recover the expenses or the balance thereof from the owner of the building together with all costs in respect thereof in a summary manner. Recovery of expenses.
[*See s. 166.*]

Fees to
surveyor.

113.—(1) There shall be paid to the district surveyor in respect of his services under this part of this Act in relation to any dangerous structures the fees specified in Part II. of the Third Schedule to this Act.

(2) Provided that if any special service is required to be performed by the district surveyor under this part of this Act for which no fee is specified in the said schedule the Council may order such fee to be paid for that service as they think fit.

(3) All fees paid to any surveyor by virtue of this section shall be deemed to be expenses incurred by the Council in the matter of the dangerous structure in respect of which such fees are paid and shall be recoverable by them from the owner accordingly.

Power to
remove in-
mates from
dangerous
structure.

114. Where a structure has been certified by a district surveyor to be dangerous to its inmates a petty sessional court may if satisfied of the correctness of the certificate upon the application of the Council by order direct that any inmates of such structure be removed therefrom by a constable or other peace officer and if they have no other abode he may require that they be received into the workhouse for the place in which the structure is situate.

Neglected Structures.

Removal of
dilapidated
and
neglected
buildings.

115.—(1) Where a structure is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a petty sessional court on complaint by the Council may order the owner to take down or repair or rebuild such structure (in this Act referred to as a neglected structure) or any part thereof or to fence in the ground upon which it stands or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Council within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed the Council may with all convenient speed enter upon the neglected structure or such ground as aforesaid and execute the order.

(3) Where the order directs the taking down of a neglected structure or any part thereof the Council in executing the order may remove the materials to a convenient place and (unless the expenses of the Council under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Council under this section in relation to a neglected structure may be deducted by the Council out of the proceeds of the sale and the surplus (if any) shall be paid by the Council on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Council or if the proceeds of the sale are insufficient to defray the said expenses the Council may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs. [See ss. 166 and 173.]

Supplemental as to Dangerous and Neglected Structures.

116.—(1) Where the Council have incurred any expenses in respect of any dangerous or neglected structure and have not been paid or have not recovered the same a petty sessional court on complaint by the Council may make an order fixing the amount of such expenses and the costs of the proceedings before such petty sessional court and directing that no part of the land upon which such dangerous or neglected structure stands or stood shall be built upon or that no part of such dangerous or neglected structure if repaired or rebuilt shall be let for occupation until after payment to the Council of the said amount and thereupon and until payment to the Council of the said amount no part of such land shall be built upon and no part of such dangerous or neglected structure so repaired or rebuilt shall be let for occupation.

Provision for enforcing repayment of expenses incurred by Council.

(2) Every such order shall be made in duplicate and one copy of such order shall be retained by the proper officer of the court and the other copy shall be kept at the county hall.

(3) The Council shall keep at the county hall a register of all orders made under this section and shall keep the same open for inspection by all persons at all reasonable times and any such order not entered in such register within ten days after the making thereof shall cease to be of any force. No property shall be affected by any such order unless and until such order is entered in such register.

117. The fees specified in Part IV. of the Third Schedule to this Act as payable to the Council shall be payable to and may be recovered in a summary way by the Council. [*See s. 166.*]

Fees on dangerous or neglected structures to Council.

PART X.

DANGEROUS AND NOXIOUS BUSINESSES.

118.—(1) No person shall erect any building nearer than fifty feet to a building used for any dangerous business to which this section applies.

Regulations for building near dangerous business.

(2) Provided that where a building erected before the ninth day of August one thousand eight hundred and forty-four within fifty feet from any building for the time being used for any such dangerous business is pulled down burnt or destroyed by tempest such building may be rebuilt.

(3) No person shall establish or carry on a dangerous business to which this section applies in any building or vault or in the open air at a less distance than forty feet from any public way or than fifty feet from any other building or any vacant ground belonging to any person other than his landlord.

(4) The following businesses shall be deemed to be dangerous businesses within the meaning of this section (that is to say) The business of the manufacture of matches ignitable by friction or otherwise or of other substances liable to sudden explosion inflammation or ignition or of turpentine naphtha varnish tar resin or Brunswick black and any other manufacture dangerous on account of the liability of the materials or substances employed therein to cause sudden fire or explosion.

119.—(1) No person shall erect any dwelling-house nearer than fifty feet to a building used for any noxious business to which this section applies.

Regulations for building near noxious business.

(2) Provided that where a dwelling-house erected before the ninth day of August one thousand eight hundred and forty-four within fifty feet from any building for the time being used for any such noxious business is pulled down burnt or destroyed by tempest such dwelling-house may be rebuilt.

(3) Subject to the provisions of the next following section no person shall establish or carry on a noxious business to which this section applies in any building or vault or in the open air at a less distance than forty feet from any public way or than fifty feet from any dwelling-house.

(4) The following businesses shall be deemed to be noxious businesses within the meaning of this section (that is to say) The business of a blood boiler or bone boiler and any other like business which is offensive or noxious but nothing in this section shall apply to any of the following businesses namely the businesses of a soap boiler tallow melter knacker fellmonger tripe boiler and slaughterer of cattle or horses. [See 54 & 55 Vict. c. 76, s. 19.]

Provisions as
to certain
old noxious
businesses.

120. The following provisions shall apply to any noxious business existing before the ninth day of August one thousand eight hundred and forty-four :—

- (1) If any party charged with carrying on such business show that in carrying on such business all the means known to be available for mitigating the effect of such business have been adopted then it shall be lawful for the petty sessional court to remit or mitigate the penalty Provided further that if it shall appear to the said court or to the court of quarter sessions whether on appeal or on trial by jury as herein-after provided that the person carrying on any such business shall have made due endeavours to carry on the same with a view to mitigate so far as possible the effects of such business then although he have not adopted all or the best means available for the purpose yet it shall be lawful for the court to suspend the execution of their order upon condition that within a reasonable time to be named the party convicted do adopt such other or better means as to the court shall seem fit or before passing final sentence and without consulting the prosecutor to make such other order touching the carrying on of such business as the court shall think fit for preventing the nuisance in future Provided always that if the matter come before any superior court it shall be lawful for such court to exercise such power of mitigating or remitting such penalty or of suspending the execution of any judgment order or determination in the matter or to make such order touching the carrying on of such business as to the court shall seem fit ;
- (2) Any person dissatisfied with the decision of the petty sessional court may appeal to the court of quarter sessions in manner provided by the Summary Jurisdiction Acts : [See the *Summary Jurisdiction Acts* 1879, s. 31, and 1884, s. 6.]
- (3) If before conviction by the petty sessional court the person complained against desire to have the matter tried by a jury and enter into a recognizance to try such matter without delay and to pay all costs of trial if a verdict be found against him then such matter shall be tried at the next practicable court of quarter sessions or whensoever that court shall appoint and if that court shall think fit it

shall be lawful for them to authorise the jury to view the place in question in such manner as they shall direct and the jury shall inquire and try and determine by their verdict whether the business in question be offensive or noxious and whether the party in question have done any act whereby the penalty imposed by this Act in respect thereof has been incurred and subject to the power hereinbefore conferred of mitigating such penalty or suspending their judgment order or determination thereon or making such order touching the carrying on of the business the said court shall give judgment according to such verdict and shall award the penalty (if any) incurred by the defendant and shall and may (if they see fit) award to either of the parties such costs as they may deem reasonable which verdict and the judgment award order or determination thereon shall be binding and conclusive.

121. The provisions of this part of this Act relating to dangerous and noxious businesses shall not apply to any public gasworks nor to any premises used for the purpose of distillation or the rectification of spirits under the survey of the Commissioners of Inland Revenue or their officers.

Saving for gasworks and distilleries.

PART XI.

DWELLING-HOUSES ON LOW-LYING LAND.

122. It shall not be lawful for any person upon land of which the surface is below the level of Trinity high-water mark and which is so situate as not to admit of being drained by gravitation into an existing sewer of the Council to erect any building to be used wholly or in part as a dwelling-house or to adapt any building to be used wholly or in part as a dwelling-house except with the permission of the Council and subject to and in accordance with such regulations as the Council may from time to time prescribe with reference to the erection of buildings on such land :

Dwelling-houses on low-lying land.

And the Council may by such regulations (subject to appeal as herein-after provided)—

- (i) Prohibit the erection of dwelling-houses or the adaptation of any buildings for use as dwelling-houses on such land or any defined area or areas of such land ;
- (ii) Regulate the erection of dwelling-houses or the adaptation of buildings for use as dwelling-houses on such land or any defined area or areas of such land ;
- (iii) Prescribe the level at which the under side of the lowest floor of any permitted building shall be placed on such land or any defined area or areas of such land and as to the provision to be made and maintained by the owner for securing efficient and proper drainage of the buildings either directly or by means of a local sewer into a main sewer of the Council :

Any person seeking to erect any dwelling-house or any building any part of which is to be used as a dwelling-house or to adapt any building or any part of a building for use as a dwelling-house on any of such land shall make application to the Council for a licence to erect the same and the matter shall thereupon be referred to the chief engineer of the Council who shall decide whether and if so upon what conditions such erection or adaptation may be permitted

and any such decision shall be given by the said engineer by a certificate in writing under his hand. Any person objecting to the refusal of the Council to permit on such land or any defined area or areas of such land the erection of any dwelling-house or the adaptation for use as a dwelling-house of any building or to any regulation made by the Council under this part of this Act or to any decision of the said engineer or as to the reasonableness of any requirement or condition made by him may appeal to the tribunal of appeal. [*See ss. 175—186.*]

Power to
make
regulations.

123. The Council may with the concurrence of the tribunal of appeal from time to time make regulations prescribing the procedure to be followed by persons making applications under this part of this Act.

Publication
and copies of
regulations.

124.—(1) Regulations made by the Council under this part of this Act shall have no force until a copy thereof shall have been published in the London Gazette and it shall be the duty of the Council to give notice of every such regulation by publishing a copy thereof in two or more London daily newspapers and if there be a local newspaper circulating in the parish or district to which such regulation applies then also in such local newspaper.

(2) Printed copies of every regulation from time to time in force under this part of this Act shall be kept at the county hall and shall be supplied free of charge to any person concerned who may apply for the same.

PART XII.

SKY SIGNS.

Sky signs.

125. In this part of this Act the expression—

“Sky sign” means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any building or structure which or any part of which sky sign shall be visible against the sky from any point in any street or public way and includes all and every part of any such post pole standard framework or other support. The expression “sky sign” shall also include any balloon parachute or similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any building structure or erection of any kind or on or over any street or public way but shall not be deemed to include—

- (i) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purposes of any advertisement or announcement;
- (ii) Any sign on any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building on the cornice or blocking course of any wall or to the ridge of a roof provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported; or
- (iii) Any such word letter model sign device or representation as aforesaid which relates exclusively to the business of

a railway company and which is placed or may be placed wholly upon or over any railway railway station yard platform or station approach or premises belonging to a railway company and which is also so placed that it could not fall into any street or public place.

126. For the purpose of giving effect to the provisions of this part of this Act the district surveyor of each district acting under this Act shall inspect and survey sky signs in his district and report from time to time to the Council.

District surveyor to act for purposes of this part of Act.

The expression "the surveyor" in this part of this Act means the district surveyor so acting within his district.

127. From and after the commencement of this Act it shall be unlawful to erect any sky sign as defined in this Act.

Prohibition of future sky signs.

128—133. [*Regulation of existing sky signs and renewal of existing licences therefor for limited periods. Spent.*]

134. If any sky sign be erected or retained contrary to the provisions of this Act or after the licence for the maintenance or retention thereof for any period shall have become void it shall be lawful for the Council to take proceedings for the taking down and removal of the sky sign in the same manner in all respects as if it were a structure certified to be in a dangerous state under Part IX. of this Act except that the provisions of the said part with respect to arbitration shall not apply and it shall be lawful for the Council or any officers servants or workmen appointed by them for that purpose (after obtaining the order of a petty sessional court for the taking down of the sky sign and after the expiration of the period (if any) fixed by such order for taking down the same) to enter upon the land building or premises on or over which the sky sign is erected and to take down and remove the sky sign and to execute and do any works which may be necessary for that purpose and for leaving any building to which the same was attached in a condition of safety and all the expenses of and incidental to any such work shall be repaid and be recoverable as though the same were a penalty imposed by this Act. [*See s. 166.*]

Removal of sky signs.

For the purpose of any such proceeding the expression "the owner" in the said part of this Act shall mean the occupier of the house building or structure on or to which the sky sign is erected or attached or if the house building or structure is unoccupied then the person who would be the owner thereof within the meaning of this Act.

[*See also 62 & 63 Vict. c. 14, s. 5, Sch. 2, part i.*]

135. As regards the City this part of this Act shall be read and have effect as if the Commissioners of Sewers* were named therein instead of the Council and all costs and expenses of such Commissioners in the execution of this part of this Act shall be paid out of their consolidated rate as part of the expenses of such Commissioners.

Application of this part of Act within the City.

PART XIII.

SUPERINTENDING ARCHITECT AND DISTRICT SURVEYORS.

136.—(1) The Council may for the purpose of aiding in the execution of this Act appoint some fit person to be called "the superintending architect of metropolitan buildings" together with such number of clerks as they think fit.

Power for Council to appoint superintending architect.

* Now the Mayor, Commonalty, and Citizens of the City of London. See the City of London Sewers Act 1897.

(2) Such architect and clerks shall be removable by the Council and perform such duties as the Council direct.

(3) The superintending architect shall not practise as an architect or follow any other occupation.

(4) There shall be paid to the superintending architect and clerks such salaries as the Council may direct.

[(5) *Subject to the foregoing provisions of this section the person who at the commencement of this Act is the superintending architect of metropolitan buildings shall continue to be the superintending architect under this Act. Spent.*]

Power of superintending architect to appoint deputy.

137. If the superintending architect is prevented by illness infirmity or any other unavoidable cause from attending to the duties of his office he may with the consent of the Council appoint some other person as his deputy to perform all his duties for such time as he may be temporarily prevented from executing them.

Buildings to be supervised by district surveyors.

138. Subject to the provisions of this Act and to the exemptions in this Act mentioned every building or structure and every work done to in or upon any building or structure and all matters relating to the width and direction of streets the general line of buildings in streets the provision of open spaces about buildings and the height of buildings shall be subject to the supervision of the district surveyor appointed to the district in which the building or structure is situate.

Powers of Council as to surveyors and districts.

139.—(1) The Council shall have the following powers with regard to the district surveyors and their districts (that is to say):—

(a) They may alter the limits of the district of any district surveyor or unite any two or more such districts and place any such altered district under the supervision of any district surveyor and do all such matters and things as are necessary for carrying into effect the power hereby given :

(b) They may dismiss or suspend any district surveyor and in case of any suspension or during any vacancy may appoint a temporary substitute : . . . [*Part omitted (as to the dismissal of a district surveyor appointed before 14th August 1855) spent.*]

(c) On a vacancy occurring in the office of a district surveyor they may appoint another qualified person in his place ;

(d) They may pay such amount of compensation as they think fit or as in case of disagreement shall be determined by the tribunal of appeal to any district surveyor who is deprived of his office in pursuance of the power hereby given of altering the limits of districts. [*See ss. 175—186.*]

(2) Subject to the foregoing provisions of this section the districts existing at the commencement of this Act shall continue to be districts for the purposes of this Act and the several persons who at the commencement of this Act are district surveyors shall continue to be district surveyors under this Act.

Examination of candidates for office of surveyor.

140. The Royal Institute of British Architects may cause to be examined by such persons and in such manner as they think fit all candidates presenting themselves for the purpose of being examined as to their competency to perform the duties of district surveyor and

shall grant certificates of competency to the candidates found deserving of the same and a person who has not already filled the office of district surveyor shall not be qualified to be appointed to that office unless he has received a certificate of competency from the said institute or has been examined in such other manner as the Council may direct and been found competent in such examination.

141. Every district surveyor shall have and maintain an office at his own expense in such part of his district as may be approved by the Council and the Council shall forthwith communicate to the local authority any change in the office of such district surveyor.

Surveyor
to have an
office.

142. If any district surveyor is prevented by illness infirmity or any other unavoidable circumstance from attending to the duties of his office he may with the consent of the Council appoint some other person as his deputy to perform all his duties for such time as he may be prevented from executing them.

Power of
surveyor to-
appoint
deputy.

143. Where it appears to the Council that on account of the pressure of business in any district or on any other account the surveyor of that district cannot discharge his duties promptly and efficiently the Council may direct any other district surveyor to assist the surveyor of that district in the performance of his duties or appoint some other person to give such assistance and the assistant surveyor shall be entitled to receive all fees payable in respect of the services performed by him.

Power to
appoint
assistant
surveyor.

144. If any building or structure be executed or any work done to in or upon any building or structure by or under the superintendence of any district surveyor acting professionally or on his own private account that surveyor shall not survey such building or structure for the purpose of this Act or act as district surveyor in respect thereof or in any matter connected therewith but it shall be his duty to give notice to the Council who shall then appoint some other district surveyor to act in respect of the matter.

Surveyor
not to act
in case of
works under
his pro-
fessional
superin-
tendence.

145. In the following cases and at the following times (that is to say) :—

Notices to be
given to
surveyor by
builder.

- (a) Where a building or structure or work is about to be begun then two clear days before it is begun ; and
- (b) Where a building or structure or work is after the commencement thereof suspended for any period exceeding three months then two clear days before it is resumed ; and
- (c) Where during the progress of a building or structure or work the builder employed thereon is changed then two clear days before a new builder enters upon the continuance thereof ;

the builder or other person causing or directing the work to be executed shall serve on the district surveyor a building notice respecting the building or structure or work. Every building notice shall state the situation area height number of storeys and intended use of the building or structure and the number of buildings or structures if more than one and the particulars of the proposed work and the name and address of the person giving the notice and those of the owner then in possession of and the occupier of the building or structure or of its site or intended site. All works in progress at the same time to in or on the same building or structure may be included in one building notice. [See s. 193; 18 & 19 Vict. c. 120, s. 76 ; 25 & 26 Vict. c. 102, s. 88; and 5 Edw. 7, c. ccix. s. 27.]

Surveyor
to enforce
execution
of Act.

146. Every district surveyor shall upon the receipt of any such notice as aforesaid and also upon any work being observed by or made known to him which is affected by the provisions of this Act or byelaws made thereunder but in respect of which no notice has been given and also from time to time during the progress of any work affected by such provisions and byelaws as often as may be necessary for securing the due observance of such provisions and byelaws survey any building or work hereby placed under his supervision and cause all such provisions and byelaws to be duly observed.

Notice to be
evidence of
entry to
intended
works.

147. Every notice served in pursuance of this Act shall be deemed in any question relative to any building structure or work to be *prima facie* evidence as against the builder of the nature of the building structure or work proposed to be built or done.

Power of
entry to
inspect
buildings.

148.—(1) The district surveyor of any district at all reasonable times during the progress and during fourteen days next after the completion of any building structure or work in such district affected by any of the provisions of this Act or by any byelaws made thereunder or by any terms or conditions on which the observance of any such provisions or byelaws may have been dispensed with may enter and inspect such building structure or work.

(2) The district surveyor may for the purpose of ascertaining whether any buildings erected in those premises are in such a situation or possess such characteristics as are required in order to exempt them from the operation of this part of this Act at all reasonable times and after reasonable notice enter any premises except buildings exempt from the operation of Parts VI. and VII. of this Act and he may do therein all such things as are reasonably necessary for the above purpose. [*See ss. 86 and 201—205.*]

In case of
emergency
works to be
commenced
without
notice.

149. Where by reason of any emergency any act or work is required to be done immediately or before notice can be given as aforesaid such act or work may be done on condition that before the expiration of twenty-four hours after it has been begun notice thereof is served on the district surveyor.

As to service
of notice of
objection
on builder
or building
owner.

150. Where it appears from the building notice served on the district surveyor under this Act that it is proposed to erect any building or structure or to do any work to in or upon any building which will be in contravention of this Act or that anything required by this Act is proposed to be omitted the district surveyor shall serve upon the builder or building owner a notice of objection to such proposed erection and in the event of the builder or the building owner being dissatisfied with the decision of the surveyor he may within fourteen days of the date of the notice of objection appeal to a petty sessional court who may make an order either affirming the objection or otherwise.

Notice by
surveyor
in case of
irregularity.

151. In any of the following cases (that is to say):—

- (a) where in erecting any building or structure or in doing any work to in or upon any building anything is done in contravention of this Act or anything required by this Act is omitted to be done; or
- (b) where the district surveyor on surveying or inspecting any building or work in respect of which notice has not been served as required by this part of this Act finds that the same is so far advanced that he cannot ascertain whether

anything has been done in contravention of this Act or whether anything required by this Act has been omitted to be done ;

the district surveyor shall serve on the builder engaged in erecting such building or structure or in doing such work a notice (herein-after referred to as a notice of irregularity) requiring him within forty-eight hours from the date of the notice to cause anything done in contravention of this Act to be amended or to do anything required to be done by this Act which has been omitted to be done or to cause so much of any building structure or work as prevents such district surveyor from ascertaining whether anything has been done or omitted to be done as aforesaid to be to a sufficient extent cut into laid open or pulled down. [*See s. 193.*]

152.—(1) In order to provide for the service of a notice of irregularity after and notwithstanding that the building or structure has ceased to be in charge of or under the control of the builder the following provisions shall have effect :—

Notice of irregularity after completion of building.

(a) If notice in writing shall have been served upon the district surveyor by the builder or owner of the date at which such building has ceased to be in the charge of or under the control of the builder then at any time before the expiration of fourteen days after the service of such notice a notice of irregularity may if the district surveyor thinks fit be served on the owner or occupier of the building or structure or other the person causing or directing or who has caused or directed the work instead of or in addition to the builder (if any) ;

(b) Where no such notice shall have been served upon the district surveyor a notice of irregularity may at any time within twenty-one days after completion of the building or structure be served on the owner or occupier of the building or structure or other the person causing or directing or who has caused or directed the work instead of or in addition to the builder (if any).

(2) When the owner of the building or structure does not allow the builder to comply with the requisition of a notice of irregularity served on the builder and the builder serves notice on the district surveyor to that effect a notice of irregularity may at any time within fourteen days after service of the notice by the builder on the district surveyor be served on the owner or occupier of the building or structure or other the person causing or directing or who has caused or directed the work instead of or in addition to the builder (if any).

(3) When a notice of irregularity is served under this section the provisions of this Act as to the consequences of such a notice so far as they relate to the builder shall apply to the owner occupier or other person served.

(4) Nothing in this section shall prejudice any remedy of an owner occupier or other person against the builder.

153.—(1) If the person on whom the notice of irregularity is served make default in complying with that notice within the period named therein a petty sessional court on complaint made in a summary manner as provided by the Summary Jurisdiction Acts by the district surveyor may make an order on such person requiring him to comply with the notice or with any requisitions therein which

Summary proceedings on non-compliance with notice.

may in the opinion of the court be authorised by this Act within a time to be named in the order.

(2) If the order be not complied with the Council may if they think fit after giving seven days' notice to such person enter with a sufficient number of workmen upon the premises and do all such things as may be necessary for enforcing the requisitions of the notice and for bringing any building or work into conformity with the provisions of this Act and all expenses incurred by the Council in so doing may be recovered in a summary way either from the person on whom the order was made or from the owner of the premises. [*See ss. 166 and 173.*]

Payments to surveyors for ordinary and special services.

154.—(1) There shall be paid by the builder or in his default by the owner or occupier as the case may be of the building or structure in respect whereof the same are chargeable to every district surveyor in respect of the several matters mentioned in Parts I. and III. of the Third Schedule to this Act the fees therein specified or such other fees not exceeding the amounts therein specified as may be directed by the Council.

(2) If in consequence of any reduction being made by the Council in the amount of the said fees the income of any existing district surveyor is diminished the Council shall grant to him compensation in respect of such diminution.

Council to pay district surveyor in relation to formation of streets etc.

155. The Council shall pay to the district surveyor such fees as the Council shall from time to time determine in respect of any service required to be performed by the district surveyor in relation to the formation or laying out of streets lines of building frontage and any like service which the district surveyor may be required to perform under this Act.

Fees in relation to evidence before tribunal.

156. The Council shall pay to the district surveyor such fees as may be from time to time appointed by the tribunal of appeal in respect of any work done by the district surveyor in relation to the preparation of evidence and giving the same before the tribunal of appeal. [*See ss. 175—186.*]

Periods when surveyors entitled to fees.

157.—(1) At the expiration of the following periods (that is to say) :—

- (a) Of fourteen days after the roof of any building surveyed by a district surveyor under this Act has been covered in ; and
- (b) Of fourteen days after the completion of any work by this Act placed under the supervision of a district surveyor ; and
- (c) Of fourteen days after any special service in respect of any building structure or land has been performed by a district surveyor ;

the district surveyor shall be entitled to receive the fees due to him from the builder employed in erecting such building or structure or in doing such work or in doing any matter in respect of which any special service has been performed by the surveyor or from the owner or occupier of the building or structure so erected or in respect of which such work has been done or service performed or of the land in upon or in respect of which such work has been done or service performed.

(2) If any such builder owner or occupier refuses to pay the said fees they may be recovered in a summary manner on its being shown to the satisfaction of the court that a proper bill specifying

the amount of the fees was delivered to him or sent to him in a registered letter addressed to his last known residence. [See s. 166.]

158.—(1) The Council may at any time by order cause such fixed salary as they may determine to be paid to any district surveyor by way of remuneration instead of fees so that the amount of such remuneration be not less than the amount of the average of the fees for the last seven completed years preceding such determination and thereupon the fees which would have been payable to such district surveyor in pursuance of this Act shall be paid to the Council and carried to the credit of the county fund. [See ss. 154—156.]

Power of Council to pay salaries to surveyors.

(2) The Council may at any time provide either wholly or partially for the payment of salaries to the district surveyors or to any of them out of the county fund and may thereupon abolish or reduce any fees by this Act made payable to the district surveyors.

159. The Council may in any case where they shall think fit so to do undertake on behalf of a district surveyor any proceedings which would otherwise be undertaken by such district surveyor or may pay the costs incurred by any district surveyor in any proceedings taken by him under this Act.

Council may proceed on behalf of district surveyor.

Returns by District Surveyors.

160. Every district surveyor shall within seven days after the first day of every month make a return to the Council in such manner as they may appoint of all notices and complaints received by him relative to the business of his district and the results thereof and of all matters brought by him before any petty sessional court and of all the several works supervised and special services performed by him in the exercise of his office within the previous month and of all fees charged or received in respect thereof and shall specify in such return the description and locality of every building which has been built rebuilt enlarged or altered or on which any work has been done under his supervision with the particular nature of every work in respect of which any fee has been charged or received.

Monthly returns by district surveyor to Council.

161. Every such return shall be signed by the district surveyor and shall be deemed to be a certificate that all the works enumerated therein as completed have been done in all respects in accordance with this Act to the best of his knowledge and belief and that they have been duly surveyed by him.

Return to be a certificate that works are in accordance with Act.

162. The superintending architect or such other officer as the Council appoint shall examine the monthly returns of the district surveyors and if any fees therein specified appear to him to be unauthorised by this Act or to exceed in amount the fees so authorised or if any such account appears to be in any respect fraudulent or incorrect he shall make his report in writing to that effect to the Council who shall thereupon take such steps in the matter as they deem expedient.

Audit of accounts of fees charged by district surveyor.

163. Every district surveyor shall forthwith notify to the Council any actual or probable contravention of the provisions of this Act in relation to any matter or thing with which it is not within his competency to deal of which notice or information has been given to him or which he has discovered.

District surveyor to notify certain irregularities to the Council.

PART XIV.

BYELAWS.

Power to
Council to
make
byelaws.

164.—(1) Subject to the provisions of this Act the Council may make such byelaws not repugnant or contrary to the provisions of this Act as they may think expedient for the better carrying into effect the objects and powers of this Act with respect to the following matters (that is to say):—

The regulation of the plans level width surface and inclination of new streets and for regulating the plans and level of sites for new buildings ;

The forms of notice and other documents to be used for the purposes of this Act and other like matters of procedure ;

Foundations and sites of buildings and other erections ;

The mode in which and the materials with which such foundations and sites are to be made excavated filled up prepared and completed for securing stability and for purposes of health ;

The thickness and the description and quality of the substances of which walls may be constructed for securing stability the prevention of fires and for purposes of health ;

The dimensions of wooden bressummers ;

The dimensions of joists of floors ;

The protection of ironwork used in the construction of buildings from the action of fire ;

Woodwork in external walls ;

* The description and quality of the substances of which plastering may be made ;

* The mode in which and the materials with which any excavation made within a line drawn outside the external walls of a house building or other erection and at a uniform distance therefrom of three feet shall be filled up ;

The regulation of lamps signs or other structures overhanging the public way not being within the City ;

Provided that any such byelaws as to the regulation of lamps signs and other overhanging structures shall be administered by the local authority

[*See also 18 & 19 Vict. c. 120, ss. 119 and 120.*]

The means of escape from fire in buildings exceeding sixty feet in height ; [*See 5 Edw. 7, c. ccix. ss. 6 and 7, and the Factory and Workshop Act 1901, s. 153 (3).†*]

The duties of district surveyors in relation to any byelaws made in pursuance of this section ;

The deposit with district surveyors of any plans of buildings submitted for their certificate ;

The regulation of the amounts of the fees to be paid to district surveyors in respect of their duties under any such byelaws ;

The imposition for every offence committed against any byelaws made under this Act of a penalty not exceeding five pounds and a daily penalty not exceeding two pounds for every day during which such offence continues after conviction Such penalties to be recovered by summary proceedings. [*See s. 166.*]

* The City of London was exempt from byelaws as to these matters made under s. 31 of 53 & 54 Vict. c. cexliii., which section is repealed by s. 215 of this Act.

† Section 153 (3) of the Factory and Workshop Act 1901 is as follows :—

153.—(3) The power of the London County Council under section one hundred and sixty-four of the London Building Act, 1894, to make byelaws with respect to the means of escape from fire in buildings exceeding sixty feet in height shall extend to all factories and workshops, whether exceeding sixty feet in height or not.

(2) The Council may provide by any byelaw that in any case in which the Council think it expedient they may dispense with the observance of any byelaw made under this section on such terms and conditions (if any) as they think proper.

(3) No byelaw shall have any force or effect unless or until it shall have been submitted to and confirmed at a meeting of the Council subsequent to that at which the byelaw shall have been made nor shall any byelaw have any force or effect until the same shall have been allowed by the Local Government Board.

(4) Not less than two months before applying to the Local Government Board for the allowance of any such byelaws the Council shall give such notice of their intended application by advertisement in the London Gazette and otherwise as the Local Government Board shall direct and the Council shall send a copy of the proposed byelaws as approved by them to the local authority the Ecclesiastical Commissioners the Royal Institute of British Architects the Surveyors' Institution the London Chamber of Commerce (Incorporated) and to the Institute of Builders and to such other societies and persons as the Local Government Board may direct and for one month at least before any such application a copy of the proposed byelaws shall be kept at the county hall and shall be open during office hours thereat to inspection without charge.

(5) All byelaws made and confirmed and allowed as aforesaid in pursuance of this Act shall be published in the London Gazette and printed and hung up at the county hall and be open to public inspection without payment and copies thereof shall be delivered to any person applying for the same on payment of such sum not exceeding two pence as the Council shall direct and such byelaws when so published shall come into operation upon a date to be fixed by the Local Government Board in allowing the byelaws and the production of a printed copy of such byelaws authenticated by the seal of the Council shall be evidence of the existence and of the due making allowance and publication of such byelaws in all prosecutions or other proceedings under the same without adding proof of such seal or of the fact of such making confirmation allowance or publication of such byelaws. [*See the Interpretation Act 1889, s. 31 (see Appendix).*]

165. No byelaw in respect of any matter from which the City is exempted by this Act or by any Act hereby repealed shall have any force or effect within the City. [*See ss. 4, 9 (4), 12, 13 (2), 30, 84, 164, 199, 201 (2) (3) and (5), and note * on s. 164 (1).*]

Saving for the City of London.

PART XV.

LEGAL PROCEEDINGS.

166. All offences penalties costs and expenses under this Act or any byelaw made under this Act directed to be prosecuted or recovered in a summary manner or the prosecution or recovery of which is not otherwise provided for may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts.

Summary proceedings for offences etc. and recovery of penalties.

167. Any proceedings taken by a district surveyor may be continued by his duly appointed deputy or successor in the office.

Proceedings by surveyor.

168. Where jurisdiction is by this Act given to a county court that court may settle the time and manner of executing any work or of doing any other thing and may put the parties to the case upon such terms as respects the execution of the work as the court thinks fit :

Powers of and appeal from county court.

Provided that any person shall have the same right of appeal from any decision of a county court in any matter in which jurisdiction is given to such court by this Act as he would have under the County Courts Act 1888 from any decision of such court in any matter.

Application
of penalties.

169. Notwithstanding anything in any other Act one half of all penalties recovered by the Council under this Act shall be paid to the Council. Provided that it shall be lawful for any court by whom any penalty is imposed under this Act to direct that the whole or part thereof shall be applied in or towards payment of the costs of the proceedings.

Council may
demolish
buildings
and sell
materials
and recover
expenses.

170. Where any person has been convicted of an offence against any of the provisions of any part of this Act or any byelaw made thereunder by constructing erecting adapting extending raising altering uniting or separating any building or structure or any part of any building or structure in contravention of any provisions of any part of this Act it shall be lawful for the Council after giving fourteen days notice to such person to bring such building or structure into conformity with the said provisions and after default shall have been made in complying with such notice and notwithstanding the imposition and recovery of any penalty to cause complaint thereof to be made before a petty sessional court who may thereupon issue a summons requiring the person making such default as aforesaid to appear to answer such complaint and if the said complaint is proved to the satisfaction of the court the court may make an order in writing authorising the Council and it shall thereupon be lawful for the Council to enter upon such building or structure with a sufficient number of workmen and to demolish or alter such building or structure or any part thereof so far as the same shall have been adjudged to be in contravention of this Act or any byelaw under this Act and to do whatever other acts may be necessary for such purpose and to remove the materials to some convenient place and if in their discretion they think fit sell the same in such manner as they may think fit and all expenses incurred by the Council in demolishing or altering such building or structure or any part thereof and in doing such other acts as aforesaid or the balance of such expenses after deducting the proceeds of sale of the aforesaid materials (if the Council thinks fit to sell the same) may be recovered from the person committing the offence aforesaid in a summary manner.

If the proceeds of such sale shall be more than sufficient to defray such expenses the Council shall restore the surplus of such proceeds after deducting the amount of all such expenses to the owner of the building or structure on demand.

[*See s. 172, and see also 62 & 63 Vict. c. 14, s. 5, and Sch. 2, Part II.*]

Procedure
by local
authorities
in case of
buildings in
advance of
general line.

171. The powers conferred by this part of this Act upon the Council with respect to any building or structure in case such building or structure has been erected extended or raised contrary to the provisions of this Act beyond the general line of buildings in the street place or row of houses in which the same is situate shall extend and apply to and may be exercised by the local authority in like manner as by the Council. [*See ss. 22—31, and 61 & 62 Vict. c. exxxvii. s. 7.*]

Payment of
surplus of
proceeds
into court.

172. Where by any provision of this Act any surplus of the proceeds of the sale of any building structure or materials is made payable to any owner thereof and no demand is made by any person

entitled thereto within one year of the receipt of the proceeds by the Council then the same shall be paid into the Bank of England (Law Courts Branch) to the account of the Paymaster-General for the time being for and on behalf of the Supreme Court of Judicature to be placed to the credit of "ex parte the London County Council London Building Act 1894 the account of" the owner (describing him so far as reasonably practicable) subject to the control of the High Court and to be paid out to the owner on his proving his title thereto. [*See ss. 109, 115, and 170.*]

173. Where it is by any provision of this Act declared that expenses are to be borne by or may be recovered from the owner of any premises (including under the term "owner" the adjoining and building owners respectively) the following rules shall be observed with respect to the payment of those expenses :—

Payment of
expenses by
owners.

- (1) The owner immediately entitled in possession to the premises or the occupier thereof shall in the first instance pay the expenses with this limitation that an occupier shall not be liable to pay any sum exceeding in amount the rent due or that will thereafter accrue due from him in respect of the premises during the period of his occupancy ;
- (2) If there are successive owners each of them shall be liable to contribute to the expenses in proportion to his interest ;
- (3) Any difference arising as to the amount of contribution shall be decided by arbitration ; [*See the Arbitration Act 1889.*]
- (4) If some of the owners liable to contribution cannot be found the deficiency so arising shall be divided amongst the owners who can be found ;
- (5) Any occupier of premises who has paid any such expenses may deduct the amount so paid from any rent payable by him to any owner of the same premises and any owner who has paid more than his due proportion of any such expenses may deduct the amount so overpaid from any rent payable by him to any other owner of the same premises ;
- (6) If default is made by any person in payment of any expenses payable by him in the first instance under this section the same may be recovered in a summary way and if default is made by any person in repaying to any other person any money recoverable under this section such moneys may be recovered in the same manner as if the obligation to pay such moneys were a simple contract debt. [*See s. 166, and the County Courts Acts 1888, s. 56, and 1903, ss. 3 and 5.*]

174. Where the period within which for the purposes of this Act any sanction consent approval or allowance in respect of any matters arising under Parts II. or V. of this Act is to be given or refused by the Council or within which any objection is to be made or other act done by the Council would expire on any day between the eighth day of August and the fourteenth day of September (both inclusive) such period shall be deemed to be extended for twenty-eight days. [*See 5 Edw. 7, c. ccix. ss. 7 (1) and 13.*]

As to periods
for giving
consents etc.
expiring in
vacations.

Tribunal of Appeal.

175. For the purposes of this Act a tribunal of appeal shall be constituted as follows :—

Constitution
of tribunal
of appeal.

One member shall be appointed by a Secretary of State ;

One member shall be appointed by the council of the Royal Institute of British Architects :

One member shall be appointed by the council of the Surveyors' Institution :

No member or officer of the Council shall be a member of the tribunal of appeal.

Duration of office.

176. Members of the tribunal of appeal shall be appointed for a term of five years and any such member shall be eligible for re-appointment.

Removal of members.

177. It shall be lawful for the Lord Chancellor if he think fit to remove for inability or misbehaviour or other good and sufficient cause any member of the tribunal of appeal.

Vacancies to be supplied.

178. Upon the occurrence of any vacancy in the tribunal of appeal or during the temporary absence through illness or other unavoidable cause of any member thereof a Secretary of State the council of the Royal Institution of British Architects or the council of the Surveyors' Institution (as the case may be) whichever of them shall have appointed the member of the tribunal whose place shall be vacated shall appoint forthwith a fit person to be a member (either temporary or permanent) of the tribunal in lieu of the member whose place is vacated or who is temporarily absent as aforesaid.

Remuneration of members of tribunal.

179. Each member of the tribunal of appeal shall be entitled to such remuneration either by way of annual salary or by way of fees or partly in one way and partly in the other as a Secretary of State may from time to time fix.

Officers etc. of tribunal.

180. It shall be lawful for the tribunal of appeal to appoint such clerks officers and servants as they may find necessary who shall be paid such salaries as shall be determined by the Council and to provide offices and to obtain such professional advice and assistance as they may find necessary.

Power for Council to support decisions of officers before tribunal.

181. It shall be lawful for the Council to defray the expenses of supporting any decision of the Council or of the superintending architect or of their engineer or of a district surveyor by counsel and witnesses before the tribunal.

Tribunal may state case for opinion of High Court.

182. It shall be lawful for the tribunal at any time to state and the tribunal shall if ordered by the High Court or a Judge thereof on an application in a summary manner made by any party to the appeal state a case for the opinion of the High Court on any question of law involved in any appeal submitted to them. The High Court shall hear and determine the question or questions of law arising on any case stated by the tribunal of appeal and shall thereupon reverse affirm or amend the determination (if any) in respect of which the case has been stated or remit the matter to the tribunal of appeal with the opinion of the court on the case stated or may make such other order in relation to the matter as the circumstances of the case require and may make such order as to the costs of the case and in the High Court as to the court may seem fit.

Procedure of tribunal.

183. The tribunal of appeal shall subject to the provisions of this Act have jurisdiction and power to hear and determine appeals referred to them under this Act.

For all the purposes of and incidental to the hearing and determination of any appeal the tribunal shall subject to any rules of procedure duly made have power to hear the Council and the parties interested either in person or by counsel solicitor or agent as they may think fit and to administer oaths and to hear and receive

evidence and to require the production of any documents or books and to confirm or reverse or vary any decision and make any such order as they may think fit and the costs of any of the parties to the appeal including the Council shall be in the discretion of the tribunal.

184. The tribunal of appeal may from time to time subject to the approval of the Lord Chancellor make regulations consistent with the provisions of this Act as to the procedure to be followed in cases of appeal to the tribunal including the time and notice of appeal and as to fees to be paid by appellants and other parties. [See s. 48 (2) (b).] Regulations as to procedure and fees.

185. Any order of the tribunal of appeal may be enforced by the High Court as if it had been an order of that court. Enforcement of decision of tribunal.

186. All fees and sums of money paid to the tribunal of appeal shall be paid over to the Council and carried to the county fund and the salaries or fees payable to members of the tribunal and the office and establishment expenses of the tribunal and expenses incurred by the tribunal and the Council in reference thereto shall be defrayed out of the county fund. [See 51 & 52 Vict. c. 41, s. 68.] Fees etc. to be paid to Council. Expenses.

Notices.

187.—(1) Notices orders and other such documents under this Act shall be in writing and notices and documents other than orders when issued by the Council shall be sufficiently authenticated if signed by their clerk or by the officer by whom the same are given or served. Notices to be in writing.

(2) Orders shall be under the seal of the Council.

188.—(1) Any notice order or other document required or authorised to be served under this Act the service of which is not provided for by the Summary Jurisdiction Acts the Lands Clauses Acts or the Companies Clauses Consolidation Act 1845 may be served by delivering a copy thereof at or by sending a copy thereof by post in a registered letter to the usual or last known residence in the United Kingdom of the person to whom it is addressed or by delivering the same to some person on the premises to which it relates or if no person be found on the premises then by fixing a copy thereof on some conspicuous part of the building to which it relates and in the case of a railway company by delivering a copy thereof to the secretary at the principal office of the said company. Service of notices.

(2) Any notice order or other document to be served upon a builder shall be deemed to be sufficiently served if posted in a registered letter addressed to such builder at the place of address stated in his building notice (if any) or in default thereof at his office or any one of his principal offices or if a copy thereof be fixed on some conspicuous part of the building to which it relates. [See also s. 196.]

(3) Any notice by this Act required to be given to or served on the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises naming the premises) in respect of which the notice is given or served without further name or description.

(4) Any notice required by this Act to be served on a district surveyor may be served on him by post in a registered letter addressed to him at his office or by leaving the same at his office. [Amended 61 & 62 Vict. c. cxxxvii. s. 5.]

PART XVI.

MISCELLANEOUS.

Expenses
how borne.

189. All expenses incurred by the Council in carrying this Act into execution and not otherwise provided for shall be deemed to be general expenses incurred by the Council and shall be raised and paid accordingly. . . . [See s. 104 and 51 & 52 Vict. c. 41, s. 68. *Part omitted (expenses of obtaining Act) spent.*]

Power for
Council to
annex
conditions.

190. In any case where the Council are authorised under this Act to refuse their sanction consent or allowance to the doing or omission of any act or thing the Council may if they think fit instead of refusing such sanction consent or allowance give the same subject to such terms and conditions in relation to the subject matter of such sanction consent or allowance as the Council think fit Any such term or condition when accepted shall be binding on the owner and occupier of the building or structure or ground to which the sanction consent or allowance relates and if at any time any term or condition so accepted is not observed or fulfilled the owner or occupier in default shall be subject to a penalty as herein-after provided.

As to build-
ings of
historical
interest.

191. In the event of its being necessary to take down any portion of an old building of architectural or historical interest constructed otherwise than in accordance with the regulations of this Act or in the event of the destruction of any part of such building the part so taken down or destroyed may with the consent of the Council first obtained be restored in the same material and in the same design as it formerly was.

Power of
entry to
owner etc.
to execute
work.

192. Any owner builder or other person and his servants workmen and agents may for the purpose of complying with any notice or order served or made on him in pursuance of this Act in respect of any building or structure room or place after giving seven days' notice to the occupier thereof and on production of the first-mentioned notice or order enter and from time to time without further notice re-enter such building or structure room or place and do all necessary works and things therein thereto or in connexion therewith.

Limitation
of time for
proceedings
where
notice not
given.

193. Where any building has been erected or work done without due notice having been given to the district surveyor (in accordance with this Act or a byelaw made under this Act) the district surveyor may at any time within one month after he has discovered that such building has been erected or work done enter the premises for the purpose of seeing that the provisions of this Act or any notice served or order made under the same have been complied with and the time during which the district surveyor may take any proceedings or do anything authorised or required by this Act to be done by him in respect of such building or work shall begin to run from the date of his discovering that such building has been erected or work done.

Plans and
documents
to be pro-
perty of
Council.

194. Applications plans and other documents delivered at the office of the Council or to the district surveyor in pursuance of this Act or of any byelaw of the Council thereunder shall on delivery there become the property of the Council.

Mode of
giving
approval
of Council
to plans.

195. The approval by the Council of any plans or particulars for the purposes of this Act shall be signified in writing under the hand of the superintending architect.

Consent how
given on

196. Where any consent is required to be given any notice to be served or any other thing to be done by or to any owner in

pursuance of this Act if there is no owner or if any such owner cannot be found the judge of the county court may give such consent or do or cause to be done such thing on such terms and conditions as he may think fit and may dispense with the service of any notice which would otherwise be required to be served.

behalf of
owners not
to be found.

197.—(1) It shall not be lawful for any person to erect or place a pile stack or store of cut or uncut timber lathwood firewood casks or barrels whether on or above the ground nearer to a street than the buildings forming the general line of buildings therein except in a position wherein such a pile stack or store stood on the first day of January one thousand eight hundred and ninety-four. [*See ss. 22—31.*]

Storing of
wood and
timber.

(2) It shall not be lawful for any person to pile stack or store cut or uncut timber lathwood firewood casks or barrels in the same yard or ground or in any part of the same premises with any furnace except in the following cases:—

(a) Where the furnace is enclosed in a building or chamber constructed of fire-resisting materials; or

(b) Where there is a distance of not less than ten feet between the furnace and the pile stack or store of timber lathwood firewood casks or barrels.

(3) No pile stack or store of timber lathwood firewood casks or barrels shall exceed sixty feet in height from the level of the ground.

(4) It shall not be lawful to form in any pile stack or store of timber lathwood firewood casks or barrels any room or chamber or space (other than a passage) to be used for any purpose whatever.

(5) Timber yards existing at the time of the passing of this Act shall comply with these provisions within two years from the date of the passing of the Act but the Council shall have power in individual cases if they think fit to prolong this time for a term not exceeding seven years and shall have power to relax any of the provisions of this section.

(6) This section shall not apply to railway companies or canal companies so far as regards timber lathwood firewood casks or barrels in transit or piled stacked or stored on land occupied by them for the purposes of their undertakings nor to timber lathwood firewood casks or barrels piled stacked or stored in or on any yard or other premises occupied by any dock company for the purposes of their undertaking or to any such yard or premises or to any person piling or stacking or storing timber lathwood firewood casks or barrels in or on any such yard or premises.

[*See 62 & 63 Vict. c. 14, s. 5 (2), and Sch. 2, Part II.*]

198. Proceedings with respect to a building shall not be affected by the removal or falling in of the roof or covering of such building.

Removal of
roof not to
affect
proceedings.
Preventing
obstruction
in streets.

199. No person not being lawfully authorised shall erect or place or cause to be erected or placed any post rail fence bar obstruction or encroachment whatsoever in upon over or under any street and no person not being lawfully authorised shall alter or interfere with any street in such a manner as to impede or hinder the traffic for which such street was formed or laid out from passing over the same.

The Council may at the expiration of two days after giving notice in writing to such person to demolish or remove any such post rail fence bar obstruction or encroachment or to reinstate or restore such street to its former condition (as the case may be) demolish

or remove any such post rail fence bar obstruction or encroachment and reinstate or restore such street to its former condition and recover the expenses thereof from such person in a summary manner. [See s. 166.]

This section shall not apply within the City.

[See the *City of London Sewers Act* 1848, s. 129 ; 18 & 19 Vict. c. 120, s. 108 (and note thereon), and 62 & 63 Vict. c. 14, s. 5, and *Sch. 2, Part I.*]

Offences against Act.

Offences
against Act.

200. Subject to the provisions of this Act every person who does any of the things specified in this section shall be deemed to have committed an offence against this Act and shall be liable upon conviction in a summary manner to a penalty not exceeding the amount hereafter specified in connexion with such offence and to a further penalty not exceeding the amount hereafter stated as the daily penalty in connexion with such offence for every day on which the offence is continued after such conviction (that is to say) :—

(1) Every person who—

(a) commences to form or lay out alter or adapt any street or way without having first obtained the sanction of the Council under this Act or otherwise than in accordance with the conditions (if any) prescribed by the Council in giving their sanction or by the tribunal of appeal as the case may be or commences to widen any street or way to a less extent than the prescribed distance without giving to the Council the notice prescribed by this Act ; or

(b) unlawfully erects or places in upon or over any street or way any post fence bar obstruction or encroachment ; or

(c) unlawfully permits any such post rail fence bar obstruction or encroachment in upon or over any street or way to remain after notice served upon him by the Council to remove the same ; or

(d) unlawfully alters or interferes with any street in such a manner as to impede or hinder the traffic for which such street was formed or laid out ;

shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding forty shillings :

(2) Every person who neglects or refuses for twenty-eight days after the service of any notices empowered to be served under Part II. of this Act requiring him to set back any building or structure to comply with the requirements of such notice or after the expiration of such period fails to carry out or complete the works necessary for such compliance within the time (if any) limited in such notice shall be liable to a penalty of not less than forty shillings and not more than five pounds and to a daily penalty of not less than ten shillings and not more than forty shillings Provided always that this sub-section shall not apply to any non-compliance with such notice in the case of an intended highway where the same shall not be opened as a highway : [Amended 61 & 62 Vict. c. cxxxvii. s. 3 (2).]

(3) Every person who—

(a) erects or brings forward any building or structure in con-

travention of any of the provisions of Part III. of this Act or of any conditions attached by the Council to any consent given pursuant to such provisions; [*Amended 61 & 62 Vict. c. cxxxvii. s. 7.*] or

(b) erects alters enlarges rebuilds or raises or commences to erect alter enlarge rebuild or raise any building or commences so to do so as to contravene any of the provisions of Part V. of this Act; or

(c) fails to comply with any of the provisions of Part VI. of this Act; or

(d) fails to comply with the requirements of any notice given to or served upon him under and in accordance with Part VII. of this Act within the time (if any) specified in such notice; [*Amended 61 & 62 Vict. c. cxxxvii. s. 7.*] or

(e) sets up erects or adapts any building or structure to which Part VII. of this Act applies without having obtained any licence required by that part of this Act or makes default in observing any of the conditions contained in such licence; [*Amended 61 & 62 Vict. c. cxxxvii. s. 6.*]

shall be liable to a penalty not exceeding twenty pounds a day during every day of the continuance of the non-compliance with the order of the Court in reference to the matters aforesaid: [*Amended 61 & 62 Vict. c. cxxxvii. s. 7. See also s. 170.*]

(4) Every person who hinders or obstructs any persons empowered by this Act to enter and remain on any premises for the purpose of executing and to execute any work authorised or directed to be done under this Act or wilfully damages or injures any such work shall be liable for every such offence to a penalty not exceeding ten pounds:

(5) Every person who being a building owner liable under Part VIII. of this Act to make good any damage which he may occasion to the adjoining owners' or adjoining occupiers' property by any works authorised to be executed by the building owner or to do any other thing upon condition of doing which his right to execute such works is by Part VIII. of this Act declared to arise fails within a reasonable time to make good such damage or to do such thing shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding the like amount:

(6) Every person who refuses to admit the purchaser of any materials sold under this Act his servants or agents upon the land on which the same are at a reasonable hour or impedes him or them in removing the same therefrom at a reasonable hour shall be liable to a penalty not exceeding ten pounds and to a daily penalty of not exceeding five pounds:

(7) Every person who erects a building nearer than fifty feet to a building used for any dangerous business or a dwelling-house nearer than fifty feet to a building used for any noxious business shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding the like amount for every day during which such first-mentioned building or such dwelling-house shall be allowed to so remain near to such dangerous or noxious business:

- (8) Every person who establishes or carries on a dangerous or noxious business in contravention of any of the provisions of this Act shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding the like amount :
- (9) Every person who erects or adapts or commences to erect or adapt otherwise than in accordance with the provisions of Part XI. of this Act any building to which Part XI. of this Act relates shall be liable to a penalty not exceeding one hundred pounds and to a daily penalty not exceeding fifty pounds for every day after the conviction for the offence on which the building continues so erected or adapted without a licence or on which default is made in observing or complying with any conditions of a licence under that part of this Act :
- (10) Every person not complying with any term or condition imposed by the Council under the section the marginal note of which is " Power for Council to annex conditions " shall be liable to a penalty not exceeding ten pounds :
- (11) (a) Any person who places erects or retains or suffers or permits to be placed erected or retained any sky sign contrary to the provisions of this Act ; or
- (b) Being a person who ought to serve a building notice fails to do so or begins to execute a work respecting which he ought to serve a building notice before serving such notice or having served a building notice begins to execute the work to which it relates before the expiration of two clear days after the notice has ceased to operate ; or
- (c) Refuses to permit any district surveyor at a reasonable time to enter survey or inspect any building work or premises which such surveyor is by this Act authorised to enter and inspect or refuses or neglects to afford him all reasonable assistance in such inspection ; or
- (d) Fails to comply with any order of the county court made in pursuance of this Act within the time named in such order ; or
- (e) Refuses to admit at a reasonable time a builder to a building or otherwise prevents a builder from complying with any order of the county court made in pursuance of this Act ; or
- (f) (Being a workman labourer servant or other person employed in or about any building) wilfully and without the privity or consent of the person causing the work to be done does anything in or about such building contrary to the provisions of this Act ; or
- (g) Refuses to admit at any reasonable time any owner builder or person or his servants workmen or agents into any land building or structure for the purpose of complying with any notice or order served or made on him in pursuance of this Act in respect of such land building or structure or refuses or neglects to afford them all reasonable assistance in complying with such notice or executing such order ; or
- (h) Acts in any manner in contravention of any of the provisions of this Act relating to the storing of wood and timber ; or
- (j) Does any other thing prohibited by this Act or fails neglects or omits to do any other thing which he is required to do under or in pursuance of this Act ;

shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding the like amount :

- (12) Every person who without the consent of the Council converts or uses a building contrary to any of the provisions of the section of this Act of which the marginal note is "Rules as to conversion of buildings" shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding the like amount for every day on which the building remains so converted or is used contrary to the provisions of the said section.

The liability to these penalties shall be without prejudice to any other proceedings whether under this Act or any byelaw under this Act or otherwise but so that no person shall be punished twice for the same offence.

Application of Act.

201. The following buildings and works shall be exempt from the operation of Parts VI. and VII. of this Act :—

Buildings
exempt from
parts of Act.

- (1) Bridges piers jetties embankment walls retaining walls and wharf or quay walls :
- (2) The Mansion House Guildhall and Royal Exchange of the City :
- (3) The offices and buildings of the Bank of England within the City :
- (4) All buildings erected before or after the passing of this Act by or with the sanction of the Commissioners for the Exhibition of 1851 on any lands belonging to them and purchased in pursuance of any power vested in them by charter or Act of Parliament except streets or blocks of buildings erected by them or with their sanction as private dwelling-houses :
- (5) The Sessions House at the Old Bailey and all other sessions houses or other public buildings belonging to or occupied for public purposes by the Justices of the Peace of the counties of Middlesex London and the City of London or by the County Councils of London and Middlesex respectively :
- (6) The erections and buildings authorised by an Act passed in the ninth year of the reign of his late Majesty King George the Fourth for the purposes of a market in Covent Garden :
- (7) The buildings of the Metropolitan Cattle Market and of the Cattle Market at Deptford and any building within the market premises inhabited or adapted to be inhabited by any official or servant of the Corporation for the purposes of such markets or either of them :
- (8) Any building or part of a building belonging to a canal company and used exclusively for the purpose of canal works under any Act of Parliament :

Any building or structure situate upon the railway or within the railway or station premises and used for the purposes of or in connexion with the traffic of a railway company ;

Any building or part of a building belonging to a gas company and used exclusively for gasworks ; [*Sec. s. 205.*]

Any building or part of a building belonging to the

Conservators of the River Thames and used by them as a workshop or store ;

The foundations and walls of buildings belonging to a railway company situate over any station or works of a railway company or immediately adjoining any railway or works of a railway company and upon land acquired under the powers of an Act of Parliament ;

Any building within the station premises of any railway company inhabited or adapted to be inhabited in whole or in part by any official or servant of the railway company :

Provided always that nothing in this sub-section shall exempt any other buildings used for the purpose of human habitation so far as they are so used :

- (9) Any building or structure or part of a building or structure belonging to a dock company constituted by Act of Parliament and situate within the dock premises :
- (10) Buildings not exceeding in area thirty square feet and not exceeding in height five feet in any part measured from the level of the ground to the under side of the eaves or roof plate and distant at least five feet from any other building and from any street and not having therein any stove flue fireplace hot air pipe hot water pipe or other apparatus for warming or ventilating the same provided that no portion of the building extends beyond the general line of buildings in any street :
- (11) All buildings and structures (not exceeding in height thirty feet as measured from the footings of the walls and not exceeding in extent one hundred and twenty-five thousand cubic feet and not being public buildings) wholly in one occupation and distant at the least eight feet from the nearest street or way and at the least thirty feet from the nearest buildings and from the land of any adjoining owner A detached dwelling-house shall not be excluded from this exemption solely by reason of its being within thirty feet of another detached building constructed as stables or offices to be used in connexion with such dwelling-house :
- (12) All buildings not exceeding in extent two hundred and fifty thousand cubic feet and not being public buildings and distant at the least thirty feet from the nearest street or way and at the least sixty feet from the nearest buildings and from the land of an adjoining owner A detached dwelling-house shall not be excluded from this exemption solely by reason of its being within sixty feet of another detached building constructed as stables or offices to be used in connexion with such dwelling-house :
- (13) All party fence walls not exceeding in height seven feet measured from the top of the footings of the walls :
- (14) Greenhouses if not attached to other buildings :
- (15) Greenhouses if attached to other buildings so far as regards the necessary woodwork of the sashes doors and frames :
- (16) Cases of metal and glass used solely for holding plants fastened to the woodwork of the sill and lower sash of a window provided that no portion project over the public way or more than twelve inches beyond the external face of the wall of the building :

- (17) Openings made into walls or flues for the purpose of inserting therein ventilating valves of a superficial extent not greater than forty square inches if such valves are not nearer than twelve inches to any timber or other combustible material.

If any addition be made to any building or structure specified in sub-sections (10) (11) or (12) whereby any increase is caused in the area height or extent of any such building or structure beyond the area height or extent mentioned in the sub-section in which any such building or structure is specified the Council may give notice to the owner or occupier of such building or structure either to remove such addition or to make the building so increased in height or extent conform with all or any of the provisions of this Act and with any byelaws under this Act relating to the construction of buildings and upon his failing to do so within fourteen days from the service upon him of such notice the Council may remove such addition to the building or structure and may recover the expenses of such removal from the owner or occupier so making default in a summary manner. [*See ss. 166 and 206.*]

202. There shall be exempted from so much of the provisions of this Act as relates to buildings and structures—

Exemption
of Govern-
ment build-
ings.

Every building structure or work vested in and in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services ; also

Any building structure or work vested in and in the occupation of any department of Her Majesty's Government or of the Metropolitan Police or of the trustees of the British Museum for public purposes or for the public service ; also

Any building structure or work vested in and occupied for the service of the Duke of Cornwall for the time being.

[*See also 60 & 61 Vict. c. 26, s. 3 (2).*]

203. Where a local authority or a company has statutory powers for the supply of electricity in any metropolitan district the buildings of such local authority or company used as a generating station or for works shall be deemed to be special buildings to which the general provisions of Parts V. VI. and VII. and the First and Second Schedules of this Act do not apply and plans thereof shall be submitted to the Council for their approval and the Council shall have power to authorise the buildings to be erected of greater dimensions than two hundred and fifty thousand cubic feet and in other respects to exempt such buildings from any of the provisions of this Act if they think fit. [*See s. 75.*]

As to build-
ings for the
supply of
electricity.

204. The lands buildings and property of—

- (1) The Honourable Society of the Inner Temple ;
- (2) The Honourable Society of the Middle Temple ;
- (3) The Honourable Society of Lincoln's Inn ;
- (4) The Honourable Society of Gray's Inn ;

Exempting
lands build-
ings and
property of
Inns of
Court.

herein called "the Inns of Court" shall be exempt from the operation of this Act. Provided that in respect of any building structure or land which abuts upon any public street public place or public way the Inns of Court shall be subject to the provisions of Part III. of this Act (Lines of Building Frontage).

205. In addition to any exemption referring to gas companies contained in this Act nothing in this Act contained shall in any way take away alter prejudice or affect any of the powers rights and

Saving
existing
rights of gas
companies.

privileges conferred upon a gas company by any Act of Parliament and as existing immediately before the passing of this Act. [See ss. 75, 121, and 201 (8).]

Duration of exemption.

206. Any building structure or work in any respect exempt from the operation of this Act or in any manner privileged in respect of any provision of this Act shall remain so exempt or privileged so long only as it is used for the purpose or retains the character by reason whereof it is so exempt or privileged.

Buildings not to be altered so as not to conform to Act.

207. It shall not be lawful (unless with the consent of the Council) to make any alteration of any building in such manner that when so altered it will by reason of such alteration not be in conformity with the provisions of this Act applicable to new buildings.

When remainder of party wall etc. to be taken down.

208. Unless in any case the Council otherwise allow where a party wall or external wall not in conformity with this Act has been taken down burnt or destroyed to the extent of one half thereof (measured in superficial feet) every remaining portion of the old wall not in conformity with this Act shall either be made to conform therewith or be taken down before the rebuilding thereof.

Additions to and alterations of buildings.

209. Every addition to or alteration of a building and any other work made or done for any purpose in to or upon a building (except that of necessary repair not affecting the construction of any external or party wall) shall so far as regards such addition or alteration or other work be subject to the provisions of this Act and of byelaws thereunder relating to new buildings.

Application of Act to buildings erected before commencement of Act.

210. A building structure or work erected or constructed before the commencement of this Act to which no objection could have been taken under any law then in force shall (subject to the provisions of this Act as to new buildings or the alteration of buildings) be deemed to be erected or constructed in compliance with the provisions of this Act.

Rules as to conversion of buildings.

211. Unless in any case the Council otherwise allow no person shall—

- (1) convert into or use as a dwelling-house any building or part of a building not originally constructed for human habitation ;
- (2) convert into one dwelling-house two or more dwelling-houses constructed originally as separate dwelling-houses ;
- (3) convert into or use as two or more dwelling-houses any building constructed originally as one dwelling-house ;
- (4) convert a building which when originally erected was legally exempt from the operation of any building enactments or byelaws in force within London into a building which had it been originally erected in its converted form would have been within the operation of these enactments or byelaws ;
- (5) re-convert into or use as a dwelling-house any building which has been discontinued as or appropriated for any purpose other than a dwelling-house ;
- (6) convert into or use as a dwelling-room or part of a dwelling-room any room or part of a room used as a shop ; or
- (7) convert a dwelling-house or any part of a dwelling-house into a shop ;

in such manner that the building or part of a building so converted as aforesaid when converted will not be in conformity with the

provisions of this Act relating to the class of buildings to which the building when so converted will belong.

212. Notwithstanding anything contained in this Act a building structure or work which has been commenced before and is in progress at the commencement of this Act or which is to be carried out under any contract entered into before the passing of this Act may be completed subject to and in accordance with the provisions of the Acts relating thereto as in force immediately previous to the passing of this Act. Buildings in progress.

213. Nothing in this Act shall take away or interfere with the powers of the local authorities with respect to the paving of new streets under the Metropolis Management Acts. Saving powers of local authorities.

Repeal.

214. Section 50 of the Metropolitan Railway (Additional Powers) Act 1866 is hereby repealed. Repeal of section 50 of Metropolitan Railway Act 1866.

215.—(1) The Acts mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule. Repeal of enactments in schedule.

(2) This repeal shall not affect—

- (a) The past operation of any enactment hereby repealed nor anything duly done or suffered under any enactment hereby repealed ; or
- (b) Any right privilege obligation or liability acquired accrued or incurred under or in accordance with any enactment hereby repealed ; or
- (c) Any penalty forfeiture or punishment incurred in respect of any offence committed against any enactment hereby repealed ; or
- (d) Any power investigation legal proceeding or remedy in respect of any such right privilege obligation liability penalty forfeiture or punishment as aforesaid and any such power investigation legal proceeding and remedy may be exercised and carried on as if this Act had not passed : or
- (e) Any of the powers privileges exemptions jurisdictions or authorities given to or vested in the Commissioners of Sewers * by or under any Act of Parliament and existing immediately before the passing of this Act.

[See also s. 38, the *Interpretation Act 1889.* (See *Appendix.*)]

216. All byelaws regulations orders consents conditions and notices duly made given imposed or issued under any Act hereby repealed shall so far as applicable for the purposes of this Act be of the same validity and effect as if they had been made given imposed or issued under this Act. And all such byelaws and regulations shall remain in force until the same shall be revoked altered or varied by byelaws duly made under the provisions of this Act. Byelaws etc. under repealed Acts to remain in force.

217. Officers appointed under any enactment hereby repealed shall continue in office in like manner as if this Act had not been passed. Saving for existing officers.

* Now the Mayor, Commonalty, and Citizens of the City of London. See the City of London Sewers Act 1897.

References in Acts or documents to repealed Acts to be read as referring to this Act.

218. Where in any Act or document any Act or any provisions of any Act are mentioned or referred to which are repealed by this Act such Act or document shall with any necessary modifications and so far only as the circumstances of the case admit be read as if this Act or the corresponding provisions of this Act were therein mentioned or referred to instead of such repealed provisions. [See also the Interpretation Act 1889, s. 38. (*See Appendix.*)]

SCHEDULES.

THE FIRST SCHEDULE.

PRELIMINARY.

Parts I. and II. of this Schedule apply to walls built of bricks not of less than eight and a half inches long or of stone or other blocks of hard and incombustible substance the beds or courses being horizontal.

Structure or buildings.

1. Every building unless otherwise sanctioned in accordance with this Act shall be enclosed with walls constructed of brick stone or other hard and incombustible substances and the footings shall rest on the solid ground or upon concrete or upon other solid substructure. Provided that open sheds not exceeding sixteen feet in height and not exceeding four squares in area may be constructed of any substances and in any manner approved by the district surveyor.

Construction of walls of brick stone etc.

2. Every wall constructed of brick stone or other similar substances shall be properly bonded and solidly put together with mortar or cement and no part of such wall shall overhang any part underneath it except to the extent of six inches and provided that the projection be well and solidly corbelled out and that the side of the wall opposite to the corbelling be carried up vertically in continuation of the inner face thereof. And all return walls shall be properly bonded together.

Extra thickness of certain walls. Thickness of walls built of materials other than such bricks etc. as aforesaid.

3. The thickness of every wall not being built of bricks or stone or other hard and incombustible substances laid in horizontal beds or courses shall be one third greater than the thickness prescribed in Parts I. and II. of this Schedule.

4. The thickness of any wall of a dwelling-house if built of materials other than those before specified shall be deemed to be sufficient if made of the thickness required by Parts I. and II. of this Schedule or of such thickness as may be approved by the Council.

Hollow walls.

5. When hollow walls are constructed there shall be a wall on one side of the hollow space of the full thickness prescribed by this Act.

Height of storey.

6. The heights of storeys shall be measured as follows :—

(a) The height of a topmost storey shall be measured from the level of the underside of its floor joists up to the level of the under surface of the tie of the roof or other covering or if there is no tie then up to the level of half the vertical height of the rafters or other support of the roof :

(b) The height of every storey other than a topmost storey shall be measured from the level of the underside of the floor joists of the storey up to the level of the underside of the floor joists of the storey next above it.

Height of external and party walls.

7. For the purpose of determining the thickness of a wall the height of such wall shall be measured from the base of the wall to the top of the topmost storey whether such wall is carried to the full height or not or in case of a gable when there are no storeys in the roof to half the height of the gable.

Length of walls.

8. Walls are deemed to be divided into distinct lengths by return walls and the length of every wall is measured from the centre of one return wall to the centre of another provided that such return walls are external party or cross walls of the thickness required under this Schedule and bonded into the walls so deemed to be divided.

Footings of walls.

9. Unless with the consent of the Council every wall other than a wall carried on a bressummer shall have footings :—

The projection of the bottom of the footing of every wall on each side of the wall shall be at least equal to one half of the thickness of the wall at its base unless an adjoining wall interferes in which case the projection may be omitted where that wall adjoins and the diminution of the footing of every wall shall be formed in regular offsets and the height from the

bottom of such footing to the base of the wall shall be at the least equal to two thirds of the thickness of the wall at its base.

10. The underpinning of walls and chimneys shall be built with brick or stone bedded in cement to the full thickness of the old wall or work and with proper footings or to an additional thickness if the increased height of the wall so requires and shall rest on the solid ground or on concrete or on other solid substructure as a foundation and the whole shall be executed to the satisfaction of the district surveyor.

Underpinning.

11. A wall shall not be thickened except after notice served on the district surveyor of the intention to thicken and the thickening shall be executed with brick or stone work in cement properly bonded to the old work to the satisfaction of the district surveyor.

Thickening of walls.

PART I.

BUILDINGS NOT PUBLIC AND NOT OF THE WAREHOUSE CLASS.

External and party walls shall be of not less thickness than the thickness herein-after specified in each case viz. :—

1. When the wall does not exceed twenty-five feet in height its thickness shall be as follows :—

If the wall does not exceed thirty feet in length and does not comprise more than two storeys it shall be eight and a half inches thick for its whole height ;

If the wall exceeds thirty feet in length or comprises more than two storeys it shall be thirteen inches thick below the topmost storey and eight and a half inches thick for the rest of its height.

2. Where the wall exceeds twenty-five feet but does not exceed forty feet in height its thickness shall be as follows :—

If the wall does not exceed thirty-five feet in length it shall be thirteen inches thick below the topmost storey and eight and a half inches thick for the rest of its height ;

If the wall exceeds thirty-five feet in length it shall be seventeen and a half inches thick for the height of one storey then thirteen inches thick for the rest of its height below the topmost storey and eight and a half inches thick for the rest of its height.

3. When the wall exceeds forty feet but does not exceed fifty feet in height its thickness shall be as follows :—

If the wall does not exceed thirty feet in length it shall be seventeen and a half inches thick for the height of one storey then thirteen inches thick for the rest of its height below the topmost storey and eight and a half inches thick for the rest of its height ;

If the wall exceeds thirty feet but does not exceed forty-five feet in length it shall be seventeen and a half inches thick for the height of two storeys then thirteen inches thick for the rest of its height ;

If the wall exceeds forty-five feet in length it shall be twenty-one inches and a half thick for the height of one storey then seventeen and a half inches thick for the height of the next storey and then thirteen inches thick for the rest of its height.

4. Where the wall exceeds fifty feet but does not exceed sixty feet in height its thickness shall be as follows :—

If the wall does not exceed forty-five feet in length it shall be seventeen and a half inches thick for the height of two storeys and thirteen inches thick for the rest of its height ;

If the wall exceeds forty-five feet in length it shall be twenty-one inches and a half thick for the height of one storey then seventeen and a half inches thick for the height of the next two storeys and then thirteen inches thick for the rest of its height.

5. Where the wall exceeds sixty feet but does not exceed seventy feet in height its thickness shall be as follows :—

If the wall does not exceed forty-five feet in length it shall be twenty-one inches and a half thick for the height of one storey then seventeen and a half inches thick for the height of the next two storeys and then thirteen inches thick for the rest of its height ;

If the wall exceeds forty-five feet in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

6. Where the wall exceeds seventy feet but does not exceed eighty feet in height its thickness shall be as follows:—

If the wall does not exceed forty-five feet in length it shall be twenty-one inches and a half thick for the height of one storey then seventeen and a half inches thick for the height of the next three storeys and thirteen inches thick for the rest of its height;

If the wall exceeds forty-five feet in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

7. Where the wall exceeds eighty feet but does not exceed ninety feet in height its thickness shall be as follows:—

If the wall does not exceed forty-five feet in length it shall be twenty-six inches thick for the height of one storey then twenty-one inches and a half thick for the height of the next storey then seventeen and a half inches thick for the height of the next three storeys and then thirteen inches thick for the rest of its height;

If the wall exceeds forty-five feet in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

8. Where the wall exceeds ninety feet but does not exceed one hundred feet in height its thickness shall be as follows:—

If the wall does not exceed forty-five feet in length it shall be twenty-six inches thick for the height of one storey then twenty-one inches and a half thick for the height of the next two storeys then seventeen and a half inches thick for the height of the next three storeys and then thirteen inches thick for the rest of its height;

If the wall exceeds forty-five feet in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

9. Where the wall exceeds one hundred feet but does not exceed one hundred and twenty feet in height its thickness shall be as follows:—

If the wall does not exceed forty-five feet in length it shall be thirty inches thick for the height of one storey then twenty-six inches thick for the height of the next two storeys then twenty-one inches and a half thick for the height of the next two storeys then seventeen and a half inches thick for the height of the next three storeys and then thirteen inches thick for the rest of its height;

If the wall exceeds forty-five feet in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

Condition in respect of storeys exceeding certain height.

10. If any storey exceeds in height sixteen times the thickness prescribed under this Schedule for the walls of such storey the thickness of each external and party wall throughout such storey shall be increased to one sixteenth part of the height of the storey and the thickness of each external and party wall below that storey shall be increased to a like extent but any such additional thickness may be confined to piers properly distributed of which the collective widths amount to one fourth part of the length of the wall.

Restriction in case of certain storeys.

11. No storey enclosed with walls less than thirteen inches in thickness shall be more than ten feet in height between the floor and the ceiling thereof or between the floor and the tie of the roof.

Rule as to buildings not being public buildings or buildings of the warehouse class.

12. All buildings excepting public buildings and such buildings as are in this Act defined to be buildings of the warehouse class shall as respects the thickness of their walls be subject to the provisions contained in this part of this Schedule. [See s. 5 (28).]

PART II.

BUILDINGS OF THE WAREHOUSE CLASS.

Thickness at base.

The external and party walls of buildings of the warehouse class shall at the base be made of not less thickness than the thickness herein-after specified in each case viz:—

1. Where the wall does not exceed twenty-five feet in height (whatever is its length) it shall be thirteen inches thick at its base.

2. Where the wall exceeds twenty-five feet but does not exceed thirty feet in height it shall be at its base of the thickness following :—
If the wall does not exceed forty-five feet in length it shall be thirteen inches thick at its base ;
If the wall exceeds forty-five feet in length it shall be seventeen and a half inches thick at its base.
3. Where the wall exceeds thirty feet but does not exceed forty feet in height it shall be at its base of the thickness following :—
If the wall does not exceed thirty-five feet in length it shall be thirteen inches thick at its base ;
If the wall exceeds thirty-five feet but does not exceed forty-five feet in length it shall be seventeen and a half inches thick at its base ;
If the wall exceeds forty-five feet in length it shall be twenty-one inches and a half thick at its base.
4. Where the wall exceeds forty feet but does not exceed fifty feet in height it shall be at its base of the thickness following :—
If the wall does not exceed thirty feet in length it shall be seventeen and a half inches thick at its base ;
If the wall exceeds thirty feet but does not exceed forty-five feet in length it shall be twenty-one inches and a half thick at its base ;
If the wall exceeds forty-five feet in length it shall be twenty-six inches thick at its base.
5. Where the wall exceeds fifty feet but does not exceed sixty feet in height it shall be at its base of the thickness following :—
If the wall does not exceed forty-five feet in length it shall be twenty-one inches and a half thick at its base ;
If the wall exceeds forty-five feet in length it shall be twenty-six inches thick at its base.
6. Where the wall exceeds sixty feet but does not exceed seventy feet in height it shall be at its base of the thickness following :—
If the wall does not exceed forty-five feet in length it shall be twenty-one inches and a half thick at its base ;
If the wall exceeds forty-five feet in length it shall be increased in thickness from the base up to within sixteen feet from the top of the wall by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).
7. Where the wall exceeds seventy feet but does not exceed eighty feet in height it shall be at its base of the thickness following :—
If the wall does not exceed forty-five feet in length it shall be twenty-one inches and a half thick at its base ;
If the wall exceeds forty-five feet in length it shall be increased in thickness from the base up to within sixteen feet from the top of the wall by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).
8. Where the wall exceeds eighty feet but does not exceed ninety feet in height it shall be at its base of the thickness following :—
If the wall does not exceed forty-five feet in length it shall be twenty-six inches thick at its base ;
If the wall exceeds forty-five feet in length it shall be increased in thickness from the base up to within sixteen feet from the top of the wall by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).
9. Where the wall exceeds ninety feet but does not exceed one hundred feet in height it shall be at its base of the thickness following :—
If the wall does not exceed forty-five feet in length it shall be twenty-six inches thick at its base ;
If the wall exceeds forty-five feet in length it shall be increased in thickness from the base up to within sixteen feet from the top of the wall by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).
10. Where the wall exceeds one hundred feet but does not exceed one hundred and twenty feet in height it shall be at its base of the thickness following :—
If the wall does not exceed forty-five feet in length it shall be thirty-one inches thick at its base ;

If the wall exceeds forty-five feet in length it shall be increased in thickness from the base up to within sixteen feet from the top of the wall by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

11. The thickness of the wall at the top and for sixteen feet below the top shall be thirteen inches and a half and the intermediate parts of the wall between the base and sixteen feet below the top shall not be of less thickness than would be the case if the wall were to be built solid throughout the space between straight lines drawn on each side of the wall and joining the thickness at the base to the thickness at sixteen feet below the top:

Nevertheless in walls not exceeding thirty feet in height the walls of the topmost storey may be nine inches thick provided the height of that storey does not exceed ten feet.

Condition in respect of storeys exceeding a certain height.

12. If in any storey of a building of the warehouse class the thickness of the wall as determined by the provisions of this Schedule is less than one fourteenth part of the height of such storey the thickness of the wall shall be increased to one fourteenth part of the height of the storey and the thickness of each external and party wall below that storey shall be increased to a like extent but any such additional thickness may be confined to piers properly distributed of which the collective widths amount to one fourth part of the length of the wall.

Thickness of walls built of materials other than such bricks etc. as aforesaid.

13. The thickness of any wall of a building of the warehouse class if built of materials other than those before specified shall be deemed to be sufficient if made of the thickness required by the provisions of this Schedule or of such other thickness as may be approved by the Council.

MISCELLANEOUS.

Cross-walls.

1. The thickness of a cross-wall shall be two-thirds of the thickness hereinbefore required for an external or party wall of the same dimensions and belonging to the same class of buildings but never less than eight and a half inches and no wall subdividing any building shall be deemed to be a cross-wall unless it is carried up to the floor of the topmost storey and unless in each storey the aggregate extent of the vertical faces or elevations of all the recesses and that of all the openings therein taken together does not exceed one-half of the whole extent of the vertical face or elevation of the wall.

2. Wherever a cross-wall becomes in any part an external wall such cross-wall shall be of the thickness required for an external wall of the same height and length and belonging to the same class of buildings.

3. Where an increase of thickness is by any rule of Part I. or Part II. of this Schedule required in case of a wall exceeding sixty feet in height and forty-five feet in length or in case of a storey exceeding in height sixteen times or fourteen times (as the case may be) the thickness prescribed for its walls or in case of a wall below such storey the increased thickness may be confined to piers properly distributed of which the collective widths amount to one fourth part of the length of the wall.

SECOND SCHEDULE. [*Schedule of fire-resisting materials.* Rep. 5 Edw. 7, c. ccix, s. 25. See *ibid.* s. 5 and the 1st sch.]

THE THIRD SCHEDULE.

FEEs PAYABLE TO DISTRICT SURVEYORS.

PART I.

ON NEW BUILDINGS.

	£	s.	d.
For any building not exceeding thirty square feet in area and not exceeding ten feet in height	0	10	0
For every building not exceeding four hundred square feet in area and not more than two storeys in height	1	10	0
For every additional storey	0	5	0
For every additional square or fraction of a square	0	2	6
For every building not exceeding four hundred square feet in area and of one storey only in height	0	15	0

ON ADDITIONS ALTERATIONS OR OTHER WORKS. £ s. d.

For every addition or alteration or other work to which the provisions of this Act apply made or done to or on any building after the roof thereof has been covered in			
one half of the fee charged in the case of a new building calculated upon the area of the whole building.			
For inspecting the arches or fire resisting floors over or under public ways	0	10	0
For inspecting the formation of openings in party walls (for each opening)	0	10	0
For inspecting the closing of openings in party walls (for each opening)	0	10	0
Provided that in the case of public buildings buildings constructed of concrete and buildings divided into separate sets of chambers or tenements by party structures the fees herein-before specified in this part of this Schedule shall in every case be increased by one-half.			

ON CHIMNEYS AND FLUES. £ s. d.

On the construction of a furnace chimney-shaft or similar shaft for ventilation or other purposes in addition to the fee for any other operation in progress at the same time if not exceeding seventy-five feet in height	2	0	0
If exceeding seventy-five and not exceeding one hundred feet in height	2	10	0
For every additional ten feet or portion of ten feet in height	0	10	0
On the carrying of a flue from an oven stove steam-boiler furnace or close-fire into an old flue	0	10	0
On certifying that a chimney breast in a party wall may be cut away	0	10	0

ON CERTIFYING PLANS.

For examining and certifying plans of an old building	2	2	0
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ON WOODEN AND TEMPORARY STRUCTURES.

On inspection of any wooden structure or on inspection of any structure or erection put up on any public occasion the same amount as for a new building calculated on the area of the structure or erection without reference to the area of any building to which it may be attached or in or on which it may be put up.

ATTENDING AT COURT.

For attending at a court when an order is made for complying with notice of irregularity	0	10	0
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PART II.

ON DANGEROUS STRUCTURES.

On each dangerous structure—

Where there are not more than four adjoining or nearly contiguous structures in the same ownership—

1. For making a survey of the structure reported as dangerous and certifying opinion thereon—	£	s.	d.
If the structure do not exceed four squares in area and two storeys in height	0	7	6
If exceeding four squares	0	10	0
For every additional storey above two	0	2	6
2. For each inspection of the structure and report as to completion or progress of the works	0	5	0
3. For inspecting the structure before the hearing of the summons and attending the court to give evidence			
If one structure only	0	10	0
If more than one structure (for each structure)	0	5	0
4. For inspecting the structure before the hearing of the summons against the occupier (the owner having failed to comply) and attending the court to give evidence—			
If one structure only	0	10	0
If more than one structure (for each structure)	0	5	0
5. For every adjournment of the summons	0	5	0

6. For superintending the erection of shoring (including needling when requisite) and hoarding whether done by the Council or not and for certifying the account for the same when done by the Council	£	s.	d.
		0	10 0
7. For shoring without hoarding or hoarding without shoring and certifying the account		0	7 6
8. For supervision including the report of the officer in cases where it is necessary for the Council to execute works to ensure the safety of the public under an order made by a court		0	5 0
<i>Where there are more than four adjoining or nearly contiguous structures in the same ownership—</i>			
For Nos. 2 3 and 4 in the above table		0	4 0
For No. 5		0	2 6
And for No. 8		0	4 0

PART III.

FEES PAYABLE FOR SPECIAL SERVICES.

The fees payable by a builder to the district surveyor for special services shall be the following:—

For superintending the construction of floors and partition walls to stables under section 70 of this Act per building	£	s.	d.
		0	5 0
For superintending the construction of overhanging oriel windows per building		0	5 0
For superintending the fixing of any oven copper steam-boiler or stove to be used for trade purposes and not heated by gas		0	10 0
For superintending the fixing of pipes for conveying heated air or hot water or steam at high pressure (for each floor of a building on which pipes are fixed)		0	10 0
For services relating to the erection of buildings on low lying lands per building		0	5 0

PART IV.

FEES PAYABLE TO COUNCIL.

ON DANGEROUS STRUCTURES.

For general services—	£	s.	d.
1. For preparation of notices forms for same and postage		0	3 6
2. For service of notices (clerk's time)		0	2 6
3. For travelling per mile (one way)		0	0 3
4. For obtaining summonses and orders (clerk's time)		0	2 6
5. For cost of each summons or order		0	3 0
<i>Where there are two or more adjoining or nearly contiguous structures in the same ownership—</i>			
For Nos. 2 and 4 (above) each		0	2 0
The fees payable upon ten structures shall be the maximum fees.			

ON DILAPIDATED AND NEGLECTED BUILDINGS OR STRUCTURES.

	£	s.	d.
1. For each inspection of the building or structure and report		0	5 0
2. For obtaining summons and order (clerk's time)		0	2 6
3. For cost of each summons or order		0	2 0
4. For attendance at a court to give evidence		0	5 0
5. For every adjournment		0	2 6
6. For supervision of works including report of officer in cases where the magistrate's order is executed by the Council		0	5 0
7. For travelling per mile (one way)		0	0 3
8. The cost of procuring local evidence to satisfy the magistrate that the condition of the structure is prejudicial to the property or to the inhabitants of the neighbourhood is to be considered separately in each case.			

Where there are two or more adjoining or nearly contiguous structures in the same ownership—

For Nos. 1 4 or 6 (above) each		0	3 0
For Nos. 2 or 5 (above) each		0	2 0
The fees payable upon ten structures shall be the maximum fees.			
For travelling per mile (one way)		0	0 3

REGULATIONS.

1. The fees specified in this Schedule in respect of works to a party-wall comprise the fees payable in respect of both sides of the wall.

2. No fee shall be charged in respect of the fixing of a chimney pot.

3. No fee shall be charged in respect of the repairing of a chimney top unless the top has been pulled down to a greater extent than twelve inches.

4. No fee shall be charged in respect of the repairing of a parapet unless the parapet shall have been pulled down to a greater extent than twelve inches.

5. In calculating the area of every new building for the purposes of this Schedule the area of all outbuildings not exceeding thirty feet in area whether attached or not shall be included provided such outbuildings be erected at the same time as the main building.

THE FOURTH SCHEDULE.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 & 8 Vict. c. 84 .	The Metropolitan Building Act 1844.	So much as is unrepealed.
18 & 19 Vict. c. 120 .	The Metropolis Management Act 1855.	Section one hundred and forty-two and in section two hundred and two the words "the plans level width surface inclination and" and the words "and the plans and level of sites for building."
18 & 19 Vict. c. 122 .	The Metropolitan Building Act 1855.	The whole Act.
23 and 24 Vict. c. 52 .	The Metropolitan Building Act (Amendment) 1860.	The whole Act.
24 & 25 Vict. c. 87 .	The Metropolitan Building Amendment Act 1861.	The whole Act.
25 & 26 Vict. c. 102 .	The Metropolis Management Amendment Act 1862.	Sections seventy-four seventy-five seventy-six eighty-five eighty-seven ninety-eight and ninety-nine.
32 & 33 Vict. c. 82 .	The Metropolitan Building Act 1869.	The whole Act.
34 & 35 Vict. c. 39 .	The Metropolitan Building Act 1871.	The whole Act.
41 & 42 Vict. c. 32 .	The Metropolis Management and Building Acts Amendment Act 1878.	Sections four six seven eight nine ten fourteen fifteen sixteen seventeen eighteen nineteen twenty twenty-one from "and the district surveyor" to "such house building erection or work" and the words "or surveyor" section twenty-two so far as it relates to any notice or order served or made under any provision repealed by this Act section twenty-three from "and every penalty imposed by Part II." to "Acts amending the same" section twenty-five in section twenty-six the words "or in any byelaw of the board thereunder" and in section twenty-seven the words "or in any byelaw thereunder made."
45 & 46 Vict. c. 14 .	The Metropolis Management and Building Acts (Amendment) Act 1882.	The whole Act.
53 & 54 Vict. c. cxxliii.	The London Council (General Powers) Act 1890.	Sections twenty-seven to thirty-one and sections thirty-three to thirty-seven.
54 & 55 Vict. c. lxxviii.	The London Sky Signs Act 1891.	The whole Act.
56 & 57 Vict. c. cxxxi.	The London County Council (General Powers) Act 1893.	Sections five to nine and section seventeen.

58 & 59 VICTORIA. A.D. 1895.

CHAPTER 12.

AN ACT TO MAKE PROVISION FOR THE TEMPORARY ABSENCE OF THE
RECEIVER FOR THE METROPOLITAN POLICE DISTRICT.

[14th May 1895.]

Power to
provide for
temporary
absence of
receiver.

1. If and whilst the receiver for the metropolitan police district is temporarily absent from his duties a person appointed by warrant under the hand of the Secretary of State may temporarily act as and shall be deemed for all purposes to be such receiver.

Short title.

2. This Act may be cited as the Metropolitan Police (Receiver) Act, 1895, and shall be read with the Metropolitan Police Acts, 1829 to 1890.

CHAPTER V.

AN ACT TO CONFIRM A PROVISIONAL ORDER MADE BY ONE OF HER
MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR MODIFYING
THE LONDON (BOUNDARY STREET BETHNAL GREEN) IMPROVE-
MENT SCHEME 1890.

[14th May 1895.]

[Preamble.]

Order in
schedule
confirmed.

1. The Order set out in the schedule to this Act is hereby confirmed.

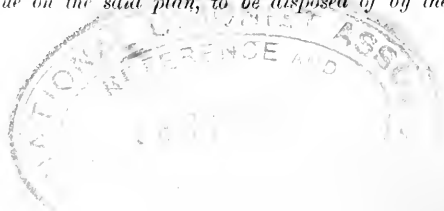
Short title.

2. This Act may be cited as the London (Boundary Street Bethnal Green) Provisional Order Confirmation Act 1895.

SCHEDULE.

PROVISIONAL ORDER MODIFYING THE LONDON (BOUNDARY STREET BETHNAL
GREEN) IMPROVEMENT SCHEME 1890.

[*Provisional Order of the Home Secretary dated 18th December 1894 (reciting the confirmation by 54 & 55 Vict. c. lx. of a Provisional Order of 11th May 1891, authorising a Scheme made by the London County Council under the provisions of Part I. of the Housing of the Working Classes Act 1890 for the improvement of a certain unhealthy area situate partly in the parish of St. Matthew, Bethnal Green, and partly in the parish of St. Leonard, Shoreditch, in the county of London, and reciting an Order of the Home Secretary (dated 25th November 1893) permitting the said Council to modify the said Scheme in certain particulars by purchasing or acquiring compulsorily Nos. 116 and 115 High Street, Shoreditch, and No. 1 Calvert Street, and throwing part of the lands coloured brown on plan No. 25** deposited at the Home Office into a new street in the line of Calvert Street to Shoreditch High Street, as shown by dark red lines on the said plan, and permitting the residue of such site, coloured blue on the said plan, to be disposed of by the Council. Spent.*]



CHAPTER CXXVII.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO MAKE STREET IMPROVEMENTS AND TO PURCHASE LANDS FOR VARIOUS PURPOSES TO MAKE PROVISIONS WITH RESPECT TO CONTRIBUTIONS BY LOCAL AUTHORITIES THE FORMATION OF WARDS IN PARISHES AND THE MANAGEMENT OF PARKS TO AUTHORISE THE GRANT OF A PENSION TO THE CHAIRMAN OF QUARTER SESSIONS FOR THE COUNTY OF LONDON AND THE PAYMENT OF COMPENSATION IN CERTAIN CASES AND FOR OTHER PURPOSES. [6th July 1895.]

[Preamble.]

PART I.

INTRODUCTORY.

1. This Act may be cited as the London County Council (General Short title. Powers) Act 1895.

2. In this Act the following words and expressions have the Interpretation of terms. several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

“The Council” means the London County Council;

“The improvements” means the widenings of streets and the works connected therewith by this Act authorised;

“Street” has the meaning assigned to that term in the Metropolis Management Act 1855 and the Acts amending the same.

[Parts omitted (definitions of “two Justices” and of words in the Lands Clauses Acts incorporated, and of “superior courts” and “court of competent jurisdiction” in this Act and in the incorporated Acts) spent.]

3. [Incorporation of the Lands Clauses Acts. Spent.]

PART II.

IMPROVEMENTS.

4. Subject to the provisions of this Act in the line and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the Council may widen Blackstock Road in the parish of Saint Mary Islington in the county of London on the east side of the said road the widening to extend from the southern entrance to Askell Mews opposite Elwood Street to the northern entrance to Askell Mews nearly opposite to Myrtle Street. Blackstock Road (Islington) widening.

5. Subject to the provisions of this Act the Council may purchase and take land in the parish of Woolwich on the south side of the River Thames for widening Nile Street or the approach leading from High Street (South Woolwich) to the Woolwich Ferry so far as such land is delineated on the deposited plans and described in the deposited book of reference. Widening approach (south side) to Woolwich Ferry.

6. Subject to the provisions of this Act the Council may purchase and take for the purpose of forming entrances to a portion of the old Millbank Penitentiary site to be acquired by them for the purposes of working class dwellings the lands herein-after described viz.:— Millbank Penitentiary site approaches.

Lands and buildings in the parish of Saint John the Evangelist Westminster and county of London situate between Causton

Street and the site of the old Millbank Penitentiary* comprising the houses and premises numbered 2 4 6 and 8 Winchester Terrace Causton Street; and

Lands and buildings in the same parish at the corner of Earl Street and Vincent Street and between those streets and the site of the old Millbank Penitentiary comprising the houses and premises numbered 1 3 5 and 7 Vincent Street;

so far as such lands are delineated on the deposited plans and described in the deposited book of reference.

[See the *Housing of the Working Classes Act 1885*, s. 3.*]

Ben Jonson
Road (Mile
End Old
Town)
widening.

7. Subject to the provisions of this Act in the line and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the Council may widen Ben Jonson Road at the Stepney Green end in the hamlet of Mile End Old Town and the hamlet of Ratcliff or one of them in the county of London the widening to be on the north side of Ben Jonson Road extending from the junction therewith of High Street to the junction therewith of Ocean Street.

[Part omitted (the Council if required by the Vestry of Mile End Old Town and the Limehouse District Board to transfer these powers of widening to them) spent.]

8. [Power to the Council to take lands shown on the deposited plans. Spent.]

Purchase of
land for
various
purposes.

9. Subject to the provisions of this Act the Council may purchase and take the lands herein-after described so far as they are delineated on the deposited plans and described in the deposited book of reference viz. :—

For the purposes of the Metropolitan Fire Brigade Act 1865—

Land with the buildings thereon in the parish of Saint Mary Islington and county of London situate on the west side of Florence Street and being the premises numbered 42 43 44 and 45 in the said street :

For the purposes of the establishment of a weights and measures office and also for the establishment of a coroner's court in connexion with a mortuary to be erected by the Board of Works for the Greenwich district † or either of those purposes—

Land with the houses or buildings thereon in the parish of Saint Alphege Greenwich and county of London adjoining the Saint Alphege Recreation Ground on the east side and situate between the said ground and the rear of houses in Church Street together with the site of the passage leading thereto from Church Passage and other adjoining lands :

But always without prejudice to the right of the owners and occupiers of the houses and shops numbered 27 29 and 31

* This site was purchased by the Council under s. 3 of the Housing of the Working Classes Act 1885, which is as follows :—

3. In the event of the removal from their present sites of Millbank Penitentiary or Pentonville Penitentiary, it shall be lawful for Her Majesty, on the recommendation of the Commissioners of Her Majesty's Treasury, and subject to such conditions as they may think reasonable, and in the event of the removal from its present site of Coldbath Fields Prison, or House of Detention, Clerkenwell, it shall be lawful for the Justices of the Peace for the county of Middlesex if the justices think fit so to do, to sell and convey those respective sites or any part or parts thereof to the Metropolitan Board of Works, at a fair market price.

† Now the Council of the Metropolitan Borough of Greenwich. See 62 & 63 Vict. c. 14, s. 4.

Church Street to use the properties numbered 9 and 10 on the deposited plans in the said last-mentioned parish as an access to Lamb Lane. . . .

And it shall be lawful for the Council and the Board of Works for the Greenwich District * to enter into and carry into effect agreements for the sale or disposal of the whole or any part of the said last-mentioned land to that board for the purposes of a mortuary or otherwise.

[Part omitted (as to compensation to owners of the said properties Nos. 9 and 10) spent.]

10—16. [As to acquisition of easements—Errors and omissions in plans—Power to the Council to enter and survey property to be taken—As to arbitration—Power to stop up ways temporarily, to raise or lower streets, and to deviate. Spent.]

17. [Power to the Council to interfere with the streets shown on the deposited plans, and with drains and sewers on providing substitutes, which are to be under the same care and management as existing sewers and drains.]

18—19. [As to alteration of water, gas, and other pipes—Laying out of carriageways. Spent.]

20. [As to laying of pavements and vesting the repair thereof in the authority in whom the repair of the street is vested or in other persons liable to repair the same.]

21. [Power to fill up sewers and drains—Substituted sewers and drains to be provided, and to be under the same management as existing sewers and drains.]

22—24. [Power to alter steps, areas, pipes, etc.—Periods for compulsory purchase of lands and for completion of improvements limited to 3 and 5 years respectively. Spent.]

25. [Improvement to form a street—As to repair thereof. Identical with 55 & 56 Vict. c. cccxxxviii. s. 24.]

26. [Power to sell materials. Spent.]

27—28. [Power to the Council to lease surplus lands, and to sell ground rents. Identical with 54 & 55 Vict. c. ccvi. ss. 28—29.]

29. [Power to the Council to sell lands without previously leasing. Identical with 57 & 58 Vict. c. clxxxv. s. 30.]

30—33. [Power to the Council to let or exchange lands, to dispose of lands not wanted—Receipts of Council to be effectual discharges—Power to the Council to make agreements with owners of property. Identical with 54 & 55 Vict. c. ccvi. ss. 31—34.]

34—35. [Power to the Council and other authorities contributing to an improvement to agree as to the amounts of contributions and for closing accounts—As to the rehousing of labouring-class persons displaced. Spent.]

36. [Saving rights of the Crown.]

PART III.

CONTRIBUTIONS.

37. [As to contribution by the Vestry of St. Mary, Islington, of one-half of the expenses of Blackstock Road widening; by the Vestry of Plumstead of one-third of the expenses of an addition by the Council of certain land to Bostall Heath; by the Greenwich District

* Now the Council of the Metropolitan Borough of Greenwich. See 62 & 63 Vict. c. 14, s. 4.

Board of £8,250 towards the purchase of lands in Deptford for an open space; by the Poplar District Board of £3,500 towards the acquisition of lands in the Isle of Dogs for an open space; by the Lambeth Vestry of one-third (but not exceeding £2,000) of the expenses of acquiring certain land in Lambeth for forming an additional entrance to Brockwell Park. Spent.]

38. *[Separate account of receipts and payments in relation to Blackstock Road, Islington, to be kept.]*

39. *[The Council to contribute one-half (up to £3,070) of the expenses of Ben Jonson Road widening; the residue to be contributed equally by Limehouse District Board and Mile End Old Town Vestry. Spent.]*

40. *[Separate accounts of receipts and payments in relation to Ben Jonson Road to be kept.]*

PART IV.

TRAMWAY ALTERATION AT TRAFALGAR ROAD GREENWICH.

41. *[As to alteration of the tramway of the Woolwich and South-East London Tramway Company* in connection with the alteration of Trafalgar Road under 50 & 51 Vict. c. clxxii. Spent.]*

PART V.

DIVISION OF PARISHES INTO WARDS.

42. *[Amendment of 56 & 57 Vict. c. cxxi. s. 15 (as to rearrangement of wards). Rep. 62 & 63 Vict. c. 14, s. 35. See ibid. s. 26.]*

PART VI.

PENSION TO CHAIRMAN OF QUARTER SESSIONS—COMPENSATION.

Pension to
chairman of
court of
quarter
sessions.

43. It shall be lawful for the Council to grant and pay a pension to the chairman of the court of quarter sessions of the county of London in the event of his retiring from office. *[See also 59 & 60 Vict. c. 55, s. 6.]*

Compensa-
tion.

44. The Council shall have power in their discretion to pay compensation to any workman or person employed by them who has been or may be injured in course of his work or employment and to the widow and children or any of them of any such workman or person who while so working or employed shall die or sustain injury resulting in death. Such compensation as aforesaid may be paid either in one sum or by periodical payments at such times and extending over such period as the Council may think fit and the Council may if they think fit contract either prospectively or retrospectively and for such consideration to be paid by the Council as they may think proper with any insurance office society or company for the payment by such office society or company of any such compensation as aforesaid. The expenses of the Council under this section shall be considered as expenses incurred by them for general county purposes and shall be defrayed accordingly. Nothing in this Act and no compensation which may be paid or become payable thereunder shall take away or prejudicially affect any right or claim to damages or compensation which any such workman or person as aforesaid or his widow or children may have against any person or body other than the Council or (except so far as may be agreed when such compensation is granted) against the Council. *[See also the Employers Liability Act 1880, and the Workmen's Compensation Acts 1897 and 1900.]*

* The undertaking of this Company was purchased by the Council in 1905.

PART VII.

MISCELLANEOUS.

45. In addition to any other powers of the Council with respect to management of parks and open spaces it shall be lawful for the Council to provide and let on hire boats on any water in any of such parks or open spaces and to erect on such parts of such parks and open spaces as they may think fit gymnasia for the use of children and to enclose the same :

Further provisions as to management of parks.

Provided that nothing in this section contained shall be deemed to authorise the Council to provide boats on any river stream pond or other waterwork belonging to or forming part of the water undertaking of the governor and company of the New River brought from Chadwell and Amwell to London * without the consent in writing of the said governor and company and under and subject to such terms and conditions as may be agreed between them and the Council.

[See also 50 & 51 Vict. c. cvi. s. 50 ; 53 & 54 Vict. c. cexliiii. ss. 14—19 and 21 ; 56 & 57 Vict. c. cexxi. s. 18 ; 60 & 61 Vict. c. cclii. s. 49 ; 63 & 64 Vict. c. cclxviii. s. 29 ; and 2 Edw. 7, c. clxxiii. s. 15.]

46. Notwithstanding anything contained in the Metropolis Toll Bridges Act 1877 or the London Parks and Works Act 1887 the bridges over the River Thames and Deptford Creek within the county of London belonging to the Council shall as from the passing of this Act be deemed to be county bridges. [See 51 & 52 Vict. c. 41, s. 3 (viii).]

Bridges over Thames to be county bridges.

PART VIII.

FINANCIAL.

47. [Power to the Council to borrow. Superseded by the London County Council Money Acts 1896—1905.]

48. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [Part omitted (expenses of obtaining Act) spent.]

As to payments under this Act.

CHAPTER CXXIX.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO REBUILD VAUXHALL BRIDGE AND TO EXECUTE OTHER WORKS IN CONNECTION THEREWITH. [6th July 1895.]

[Preamble.]

1. This Act may be cited as the London County Council (Vauxhall Bridge) Act 1895.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :—

Interpretation of terms.

“The Council” means the London County Council.

“The improvement” means the reconstruction of Vauxhall Bridge and the works connected therewith by this Act authorised ;

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

"Street" has the meaning assigned to that term in the Metropolis Management Act 1855 and the Acts amending the same.

[*Parts omitted (definitions of "two Justices," and of words in the Lands Clauses Acts incorporated, and of "superior courts" or "court of competent jurisdiction" in this Act and in the incorporated Acts).*]

3. [*Incorporation of Lands Clauses Acts.*]

Power to
Council to
make works.

4. Subject to the provisions of this Act in the line or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the Council may execute the works herein-after described :—

The Council may make and maintain a temporary bridge over the Thames at Millbank situate partly in the parish of Saint John the Evangelist Westminster and partly in the parish of Saint Mary Lambeth between the Albert Embankment roadway (about midway between Gloucester Street and Glasshouse Street) and the Grosvenor Road opposite the old entrance to the Millbank Penitentiary on the site of which the buildings of the Gallery of British Art are now in course of construction :

When and so soon as the said temporary bridge is open for traffic the Council may take down and remove the existing bridge over the Thames at Vauxhall known as Vauxhall Bridge situate partly in the said parish of Saint John the Evangelist Westminster and partly in the said parish of Saint Mary Lambeth and may construct a new bridge across the River Thames at Vauxhall in the county of London in substitution for the existing bridge :

Provided that in constructing the temporary bridge opposite the site of the old Millbank Prison * nothing in this Act shall authorise the Council except with the consent of the Commissioners of Works to alter or interfere with any part of the said site except as herein-after mentioned :

The Council may construct over the new bridge and the approaches thereto such carriageways and footways and may construct under the said carriageways and footways such subways as they may think proper.

Provisions as
to the Crown
property at
Millbank.

5. The Council may make and shall during the erection and until the removal of the temporary bridge maintain a temporary road partly on the prison site in the position shown on the deposited plans but no part of such road shall be nearer to the bottom step of the Gallery of British Art than twenty-five feet three inches nor further from the centre of the existing embankment wall than seventy-four feet.

The Council shall construct and during the erection and until the removal of the temporary bridge maintain a retaining wall along the west side of the said temporary road which shall not exceed five feet in height from the level of the existing roadway opposite to the entrance of the Gallery of British Art and the Council shall erect and maintain on the said retaining wall a wooden or iron fence not exceeding four feet in height.

Nothing contained in this Act shall authorise the Council to enter upon take use or in any manner interfere with any other portion of

* See note on p. 272.

the prison site than is required for the purpose of the temporary road as aforesaid without the consent in writing of the Commissioners of Works or the First Commissioner for the time being which consent the said Commissioners or First Commissioner are and is hereby authorised to give on such terms and subject to such conditions as they or he may prescribe.

As soon as conveniently may be after the removal of the temporary bridge the Council shall clear away from that portion of the prison site which they may have been permitted to use all building and other materials and rubbish and shall restore the ground to its present level and make good the ground to the satisfaction of the Commissioners of Works and in default of their so doing the said Commissioners may clear away and remove the same and make good the ground and all costs incurred by the said Commissioners in relation thereto shall be repaid to the said Commissioners by the Council.

The Council shall if so required by the Commissioners of Works construct for the use of the said Commissioners and of persons authorised by them a landing-stage in lieu of the present landing-stage opposite the prison site of such size and in such position as the Commissioners may require and shall as soon as conveniently may be after the removal of the temporary bridge restore and make good the present landing-stage to the satisfaction of the Commissioners of Works and remove the landing-stage to be constructed as aforesaid in lieu thereof.

6—8. [*For the protection of Messrs. H. Castle & Sons, Sir Robert Burnett & Co., and of the South Metropolitan Gas Company. Spent.*]

9. [*For the protection of the South London Tramways Company. Spent. The Council purchased this Company's undertaking in December 1902.*]

10. [*Power to take the lands shown on the deposited plans. Spent.*]

11—17. [*As to acquisition of easements—Errors and omissions in plans—Power to the Council to enter and survey property to be taken—As to arbitration—Power to stop up ways during works, to raise or lower streets, and to deviate. Spent.*]

18. [*Power to the Council to divert drains or sewers on providing proper substitutes—Vesting the soil of streets, etc., stopped up in the Council—Substituted sewers and drains to be under the same management as existing sewers and drains.*]

19—20. [*Alteration of water, gas, and other pipes—As to mains of the Gas Light & Coke Company. Spent.*]

21. Notwithstanding anything in any Act to the contrary it shall not except as by this Act expressly provided be lawful for any person to enter upon break up or interfere with the New Vauxhall Bridge or the roads and footways over the same respectively for the purpose of laying down any main or pipe or executing any work therein thereon or thereunder except with the consent of the Council in writing and in accordance with such terms and conditions not being the exaction of any rent or other valuable consideration as the Council may reasonably determine. Provided that nothing in this section contained shall alter or affect any of the provisions of the Telegraph Act 1878.

No main or pipe to be laid on new bridge except with consent of Council.

22. [*As to laying out of carriageways. Spent.*]

23. [As to laying out of pavements vesting the repair thereof in the authority in whom the repair of the street is vested or in other parties liable to repair the same.]

24. [Power to the Council to fill up sewers and drains—Substituted sewers and drains to be provided, and when made to be under the same management as existing sewers and drains.]

25—26. [Power to alter steps, areas, pipes, etc.—Period for compulsory purchase of lands limited to 3 years (extended by 61 & 62 Vict. c. cxxxi. s. 57 till 6th July 1901). Spent.]

Period for
completion
of improve-
ment.

27. If the improvement be not completed within seven years from the passing of this Act then on the expiration of that period the powers of the Council under this Act for the execution of the improvement shall cease (except so far as the same shall have been then completed). [Extended till 6th July 1907 by 2 Edw. 7, c. clxxiii. s. 39.]

Improve-
ment to
form public
street Repair
etc.

28. When the improvement is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the improvement as shall have been laid out as carriageway or footway shall be open to the public accordingly. The bridge as altered and the roads over the same shall continue to be maintained and repaired by the Council but the approach roads thereto shall continue to be public highways maintainable and repairable as other highways in the parishes in which they are respectively situate.

29. [Power to the Council to sell materials.]

30—31. [Power to the Council to lease surplus lands, and to sell ground rents. Identical with 54 & 55 Vict. c. cxxi. ss. 28—29.]

32. [Power to the Council to sell lands without leasing. Identical with 54 & 55 Vict. c. clxxv. s. 30.]

33—36. [Power to the Council to let or exchange lands, and to dispose of lands not wanted—Receipts of the Council to be effectual discharges—Power to the Council to make agreements with owners of property. Identical with 54 & 55 Vict. c. cxxi. ss. 31—34.]

Special pro-
visions as to
construction
of bridges.

37.—(1.) Unless otherwise agreed in writing between the Conservators of the River Thames (herein-after called the "Conservators") and the Council the temporary bridge at Millbank and the new bridge at Vauxhall by this Act authorised shall be constructed with the number of openings and (as to the centre openings respectively) of such height above Trinity high-water mark and of such span as next herein-after mentioned (that is to say) :—

Bridge.	Number of Openings.	Height of Headway of Centre Opening at Crown.	Span of Centre Opening.
Temporary Bridge	Eleven	20 feet above Trinity high water.	70 feet.
New Vauxhall Bridge	Five	20 feet above Trinity high water.	155 feet.

and shall be constructed by the Council according to the plans and elevations signed by the Right Honourable John William Mellor

the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which plans one copy is deposited at the Private Bill Office of the House of Commons one copy at the office of the Conservators and one copy at the office of the Council.

(2.) The temporary works in the river in connexion with the said bridges and the taking down and removal of the existing Vauxhall Bridge and the temporary bridge aforesaid shall be executed and performed to the reasonable satisfaction of the engineer for the time being of the Conservators so that the traffic of the river shall not be interfered with more than may be absolutely necessary :

Provided that there shall at all times during the construction of the New Vauxhall Bridge be at the site thereof at least three openings each having a clear waterway of seventy feet in width and one of such openings having a clear headway of eighteen feet and the others of such openings having respectively clear headways of fifteen feet above Trinity high-water mark.

(3.) The Council shall as soon as conveniently may be after the new bridge has been opened for traffic remove the temporary bridge and all materials for temporary works which may have been placed in the river by the Council and shall also as soon as conveniently may be after the completion of the works remove from the bed and banks of the river such parts and materials of the existing Vauxhall Bridge as are not used in connexion with the new bridge. If the Council fail to comply with the provisions of this section the Conservators may remove the said temporary bridge and materials charging the Council with the expense of so doing and the Council shall forthwith repay to the Conservators all expenses so incurred.

(4.) During the construction of the said bridges and the taking down and removing of the temporary bridge and the existing Vauxhall Bridge and of the works connected therewith the Council shall hang out and exhibit thereat or near thereto and after the completion of the new bridge the Council shall hang out or exhibit upon such bridge every night from sunset to sunrise lights to be kept burning by and at the expense of the Council and proper and sufficient for the navigation and safe guidance of vessels and the lights shall be from time to time altered by the Council in such manner and be of such kind and number and be so placed as the Conservators shall by writing under the hand of their secretary direct.

(5.) The foundations of the piers and abutments of the said bridges shall be constructed and maintained at such a level as to allow the Conservators to dredge the bed of the river around and near such piers and abutments to a depth of thirty-five feet at the least below the level of Trinity high-water mark.

(8.) The Council shall from time to time during the construction of the said bridges provide and maintain around the piers thereof such fenders ropes chains and other things as may in the opinion of the Conservators be necessary or expedient for the protection and assistance of vessels barges and other craft navigating at or near the bridges but such ropes chains and other things shall not (otherwise than in accordance with the regulations and directions of the Conservators) be used by persons navigating such vessels and barges for purposes of mooring :

Any person using any of such ropes chains or other things (otherwise than in accordance with the regulations and directions of the Conservators) shall be liable to a penalty of not exceeding forty shillings which may be recovered in a summary way either by the Conservators or the Council.

[Part omitted (provisions in connexion with the construction of the temporary bridge) spent.]

38. *[As to re-housing labouring-class persons displaced. Spent.]*

39—40. *[Saving rights of the Crown and of the Duchy of Cornwall.]*

41. *[Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council Money Acts 1896—1905.]*

As to payments under this Act.

42. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . *[Part omitted (expenses of obtaining Act) spent.]*

CHAPTER CXXX.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO MAKE A NEW APPROACH TO THE TOWER BRIDGE ON THE SOUTHERN SIDE OF THE RIVER THAMES. [6th July 1895.]

[Preamble.]

PART I.—INTRODUCTORY.

Short title.

1. This Act may be cited as the London County Council (Tower Bridge Southern Approach) Act 1895.

Interpretation of terms.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

- “The Council” means the London County Council;
- “The improvement” means the improvement and works by this Act authorised;
- “Street” has the meaning assigned to that term in the Metropolis Management Act 1855 and the Acts amending the same.

[Part omitted (definitions of “two Justices,” and of words in the Lands Clauses Acts incorporated, and of “superior courts” or “court of competent jurisdiction” in this Act and in the incorporated Acts) spent.]

3. *[Incorporation of Lands Clauses Acts. Spent.]*

PART II.—WIDENING OF SOUTHERN APPROACH TO TOWER BRIDGE.

Power to Council to make works.

4. Subject to the provisions of this Act in the lines or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the Council may execute the works herein-after described :

The Council may make a new approach to the Tower Bridge from the southern side viz.:—

- (A) A widening of the Bermondsey New Road on the north-western side commencing in the parish of Saint George the Martyr Southwark at the junction of the Bermondsey New Road with the Old Kent Road and terminating at the junction of Rothsay Street with the Bermondsey New Road in the parish of Bermondsey ;
- (B) A widening of the Bermondsey New Road on the eastern side in the parish of Bermondsey commencing at the entrance to Goulston's Buildings and terminating in Grange Road about forty yards eastward of its junction with Star Corner or Bermondsey New Road ;
- (C) A new road commencing in Grange Road at the point aforesaid to form a junction with the Bermondsey New Road as proposed to be widened and to terminate in Artillery Street opposite the end of Church Row in the parish of Saint John Horsleydown ;
- (D) A widening of Church Row in the parish of Saint John Horsleydown in continuation of the new road herein-before described to and terminating in Tooley Street opposite the approach to the Tower Bridge :

And in connexion with the said works the Council may remove or alter the fence or railings surrounding the church of Saint Mary Magdalen Bermondsey and throw into the improvement so much of the ground within the said fence or railings as is within the limits of deviation marked on the deposited plans and may alter the piers and archways of the viaduct of the London Brighton and South Coast and South Eastern Railways in the parish of Saint John Horsleydown for the purpose of carrying the said new road under the same.

5—6. [*For the protection of the London School Board, Messrs. Slee & Co., and Messrs. Robinson & Farquhar. Spent.*]

7. In reference to the construction of the new road (herein-after referred to as "the new road") forming the approach to the Tower Bridge by this Act authorised the following provisions for the protection of the London Brighton and South Coast Railway Company (herein-after called "the Brighton Company") and of the South Eastern Railway Company (herein-after called "the South Eastern Company") shall be observed and have effect (that is to say) :—

For the protection of the London Brighton and South Coast and South Eastern Railway Companies.

- (A) In this section the expression "the railway company" means the Brighton Company when used in relation to the railway and works of the Brighton Company and the South Eastern Company when used in relation to the railway and works of the South Eastern Company :

- (c) The works of the Council under this Act shall be so constructed as not to prevent the future widening of the railway of the railway company and the Council shall not oppose (except upon clauses) any application on the part of the railway company to Parliament for powers to widen their railway at or near the site of the new road :

- (F) If at any time it shall appear to the engineer of the railway company that any further or other works or appliances are required to prevent injury happening to the railway of the railway company owing to or in consequence of the new road and the works connected therewith being constructed or having been constructed under or through the same the Council shall at their expense immediately on being required so to do in writing under the hand of such engineer or in the event of difference after determination as herein-after provided execute such works and do such things as the said engineer or arbitrator may consider necessary :
- (G) The Council shall at all times be liable to maintain and repair the works by which the railway of the railway company is carried over the new road in good order and condition to the reasonable satisfaction in all respects of the engineer of the railway company. If and whenever the Council fail so to do the railway company may make and do upon or over the new road and on any lands of the Council as well as on any lands of the railway company such repairs as the engineer of the railway company may find necessary and the sum from time to time certified by such engineer or determined as hereafter provided to be the reasonable amount of the expenditure of the railway company in that behalf shall be repaid to the railway company by the Council and in default of payment may be recovered by them from the Council with costs in any court of competent jurisdiction :
- (H) Notwithstanding anything in this Act contained the Council shall be responsible for and make good to the railway company all costs losses damages and expenses which may be occasioned to the railway company or to any of the railways works or property of the railway company or to the traffic thereon or otherwise by reason of the execution or failure of any of the works by this Act authorised or of any act or omission of the Council or of any persons in their employ or of their contractors or others and the Council shall effectually indemnify and hold harmless the railway company from all claims and demands upon or against them by reason of such execution or failure and of any such act or omission. In the event of any difference arising between the railway company and the Council as to any matters provided for by this sub-section the same shall be settled by arbitration as herein-after provided :
- (I) The Council shall bear and on demand pay to the railway company the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching their railway with reference to and during the execution of the said works and of any repairs of the said works or of any further works required to prevent injury happening to the railway of the railway company owing to or in consequence of the new road and the works connected therewith being constructed or having been constructed under or through the same and for preventing as far as may be all interference obstruction

danger and accident which may arise from any of the operations of the Council or from the acts or defaults of their contractors or of any person or persons in their employment or otherwise :

(k) If by or in consequence of the execution of the works of the Council hereby authorised it becomes necessary to add to alter or change the position of any signals signal posts or other like works upon the railway of the railway company the same shall be so added to altered or moved by the railway company and the reasonable expense thereof shall be paid on demand to them by the Council :

(l) The Council shall not purchase or take any land of the railway company which they are by this Act authorised to enter upon or interfere with but the Council may purchase and take and the railway company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Council might purchase and use the same And in no case shall such easement without the consent of the railway company extend to a greater area than is absolutely necessary for the proper construction of the new road and the said works connected therewith :

(n) In consideration of the provisions of this section no part of the railways and lands of the railway company shall be deemed to be lands liable to the improvement charge authorised by this Act :

(o) The Council and the railway company may enter into and carry into effect any agreement for the execution by the railway company of the works by this Act authorised so far as they will affect the railway of the railway company and as to the undertaking by the railway company for such consideration as may be agreed of all or any of the liabilities and obligations imposed by this Act upon the Council with respect to the maintenance and repair of such works or any of them and any such agreement may with the consent of the South Eastern Company but not otherwise provide for the execution by the Brighton Company wholly or in part of the works affecting the South Eastern Railway as well as of those affecting their own railway or with the consent of the Brighton Company but not otherwise provide for the execution by the South Eastern Company wholly or in part of the works affecting the railway of the Brighton Company as well as of those affecting their own railway.

[Parts omitted (*provisions relating to the construction of works*)
spent.]

8—16. [*Power to the Council to take lands for the purposes of the improvement—As to acquisition of easements—Errors in plans—Power to the Council to enter and survey property to be taken—As to arbitration, and compensation in case of recently altered buildings—Power to stop up ways during the construction of works, to raise or lower streets, and to deviate.* *Spent.*]

17. [*Power to the Council to make subsidiary works, to stop up and appropriate sites of streets, and to divert drains or sewers on*

providing proper substitutes—Vesting the soil of streets, etc., stopped up, and of altered drains and sewers in the Council—Substituted sewers and drains to be under the same management as existing sewers and drains.]

18—19. [*Alteration of water, gas, and other pipes—Laying out of carriageways. Spent.*]

20. [*As to laying of pavements, and requiring the same when laid to be repaired by the authority in whom the repair of the street is vested or by other parties liable to repair the same.*]

21. [*Power to the Council to fill up sewers or drains on providing substituted sewers and drains which are to be under the same management as existing sewers and drains.*]

22—25. [*Power to the Council to alter steps, areas, pipes, etc.—As to removal of human remains—Periods for compulsory purchase of lands and for the completion of the improvement limited to 3 and 7 years respectively. Spent.*]

26. [*The improvement to become a public street—Vesting the soil thereunder in the Council, but the street to be maintained by the authority having the management of other streets in the district. Identical with 55 & 56 Vict. c. ccxxxviii. s. 24.*]

27. [*Power to the Council to sell materials. Spent.*]

28—29. [*Power to the Council to lease surplus lands, and to sell ground rents. Identical with 54 & 55 Vict. c. ccvi. ss. 28—29.*]

30. [*Power to the Council to sell lands without leasing. Identical with 54 & 58 Vict. c. clxxxv. s. 30.*]

31—34. [*Power to the Council to let or exchange lands, to dispose of lands not wanted—Receipts of the Council to be effectual discharges—Power to the Council to make agreements with owners of property. Identical with 54 & 55 Vict. c. ccvi. ss. 31—34.*]

35. [*As to re-housing labouring-class persons displaced. Spent.*]

PART III.—IMPROVEMENT AREA AND CHARGE.

Improve-
ment charge.

36. And whereas the improvement will be effected out of public funds charged over the whole county and will or may substantially and permanently increase in value lands in the neighbourhood of the improvement which will not be acquired for the purpose thereof and it is reasonable that provision should be made under which in respect or in consideration of such increased value a charge should be placed on such lands Therefore the following provisions shall have effect viz. :—

(1) In and for the purposes of this part of this Act—

The expression “the improvement area” means the area within the lines marked on the deposited plans as “limits of deviation” ;

“Owner” means where the hereditament is copyhold the person or persons entered on the roll of the manor and entitled to enfranchise the same ;

“Lands” shall extend to messuages lands tenements and hereditaments but shall not include any main pipe or apparatus of any Company supplying gas or water under the powers of any Act of Parliament or any culvert pipe tube apparatus or wire of any electric lighting or hydraulic company authorised by any Act of

Definitions
in this part
of this Act.

Parliament or telephone company acting under a licence from the Postmaster-General or any estate or interest in land of or belonging to any such company in respect of any such main pipe apparatus culvert tube or wire :

- (2) All lands within the improvement area but which shall not be purchased and taken by the Council under the powers of this Act shall be liable to have an improvement charge placed on such lands or some of them (in accordance with the provisions herein-after set forth) in respect of or in consideration of any substantial and permanent increase in value which it is clearly shown has been derived from the improvement by this Act authorised :
- (3) At least two months before the Council commence any part of the improvement and as soon after the passing of this Act as the Council think fit the Council shall make under their seal a specification of all the lands upon which they propose to place a charge and which they desire to include in the assessment herein-after mentioned :

Lands liable to be charged.

Specification of lands proposed to be charged.

They shall give notice by registered letter addressed to each owner lessee or occupier of any such lands within the improvement area as the Council include in such specification ;

Thereupon any such owner lessee or occupier may apply to the Local Government Board to appoint some independent person to make a valuation of the several lands within the improvement area which the Council have included in the specification ;

A copy of the specification shall be delivered to the person so appointed within twenty-one days after his appointment and the person so appointed shall thereupon after giving such notice or notices as the Local Government Board may direct and hearing any parties interested and applying to be heard proceed to make a valuation of all such lands which valuation is hereafter referred to as "the initial valuation." The proper cost of making the initial valuation including the reasonable costs charges and expenses of all or any of the parties interested (to be fixed in case of difference by the Local Government Board) shall be paid by the Council :

Provided that if within one month after the service of the said notices no application be made for the appointment of a person to make the initial valuation the Council shall make such application and the valuation shall be made accordingly :

In making such valuation the valuer shall separately distinguish and assess in each case the value of the land apart from that of any existing buildings thereon and shall also value the land and buildings as a whole and shall not take into consideration any increased value accruing or supposed to accrue to such land or buildings from or in consequence of the improvement but shall only take into consideration the value independently of the improvement and as if the improvement had not been contemplated :

The valuer shall also separately value the interest of the owner of any such lands and the interest of every lessee of any such lands for a term having not less than twenty-one

years unexpired at the date of the valuation (excluding from each such valuation any trade interest) and shall not take into consideration any increased value accruing or supposed to accrue to such lands from or in consequence of the improvement but shall only take into consideration the value of the said lands independently of the improvement and as if the improvement had not been contemplated ;

The initial valuation when made shall be deposited with the clerk of the Council and shall be kept deposited at the county hall and shall be open to inspection at all reasonable times by any persons and their duly authorised agents interested in any lands comprised in the said valuation :

Assessment
for proposed
charge.

- (4) The Council shall not sooner than twelve months nor later than three years after the issue by them of their certificate of the completion of the improvement cause to be framed an assessment describing the lands situate within the improvement area and comprised in the said valuation which the Council allege ought to bear and pay the said improvement charge and the Council shall in such assessment state and specify—

(a) The names of the owners lessees and occupiers of the lands described in the said assessment respectively so far as they can be ascertained ;

(b) The amounts by way of charge which the Council allege ought to be charged upon such lands respectively ;

The assessment shall contain a statement of the amount which the Council allege is the enhanced market value derived by the lands respectively from the improvement ;

The amount to be proposed in the assessment as the charge to be placed on any lands under the provisions of this section shall be equal to three per centum per annum upon one half of the amount which the Council allege is the enhanced market value derived by the said lands from the improvement after making all fair and proper deductions for rates taxes assessments and impositions on the said lands according to such increased value :

Approval of
assessment
by Council.

- (5) The assessment shall be submitted to and considered by the Council at a meeting or meetings and the Council may by resolution approve the same either with or without modification or addition as they think fit :

Notice of
assessment.

- (6) The resolution approving an assessment shall be published once in each of two successive weeks in two or more London daily newspapers with an interval of at least six clear days between the two publications and copies of such resolution shall be publicly posted on the site of the improvement and within seven days of the date of the first publication of the resolution copies thereof shall also be served on the owners lessees and occupiers of the lands described in the assessment ;

The notices served on the owners lessees and occupiers under this section shall state shortly the effect of the resolution and assessment upon the lands in respect of which they are served and also of the provisions of this part of this Act with respect to the time and mode of objecting to the assessment and the grounds on which the

assessment may be objected to and shall also state shortly the provisions of this part of this Act with respect to claims for decrease in value the right to have the matter decided by an arbitrator and the payment of costs :

- (7) From and after the date of the first publication of the resolution and until the expiration of three months from the date of the last publication thereof the assessment or copies thereof certified by the clerk or some other officer of the Council shall be kept deposited at the office of the Council and shall be open to inspection at all reasonable times by any person interested : Copies to be deposited.
- (8) During the said period of three months the owner or lessee of any lands described in the assessment or the occupier thereof for the time being may by written notice served on the Council object to the assessment on any of the grounds following :— Objection to assessment.
 - (i.) That any lands in which he is interested included in the assessment ought to be excluded by reason that it has not been or cannot be clearly shown that the market value of the lands to which the notice relates is substantially and permanently increased by the improvement ;
 - (ii.) That the amount of any charge proposed to be placed upon any lands in which he is interested ought to be varied ;
 - (iii.) That the assessment is incorrect in respect of some matter of fact (to be specified in the objection) :
- (9) If (A) any owner or owners of any lands comprised in the initial valuation upon which a charge is proposed to be placed who alone or together have power to sell the fee simple of such lands subject to any lease or leases thereof or (B) any such owner or owners of any such lands and any lessee or lessees of the same for a term having not less than twenty-one years unexpired at the date of the initial valuation who alone or together have power to surrender his or their lease or leases so that the terms of years thereby created shall merge in the fee simple and inheritance of such lands are of opinion that such charge is greater than it should be in reference to the enhancement or supposed enhancement of the value of such lands by reason of the improvement they may at any time within the said period of three months (instead of giving any notice of objection under the preceding paragraph of this section) by notice in writing served upon the Council require the Council to purchase their estate and interest in such lands and the Council shall thereupon purchase and take the same accordingly at the value specified in the initial valuation :

Purchase of estate or term in certain cases.

If within one month after the receipt of any such notice by any owners or by any owners and lessees requiring the Council to purchase their estate and interest in any lands in manner aforesaid the Council shall elect to abandon the proposed charge to which such notice relates the Council may give notice by registered letter addressed to such owners or to such owners and lessees of their intention to abandon the same and thereupon the Council shall be relieved from any liability to purchase such lands or the Council may abandon improvement charge after notice given by owners to purchase.

estate or interest therein to which the notice relates and the charge so far as relates to such lands or any estate or interest therein of such owners or such owners and lessees as the case may be shall be extinguished and the Council shall give a certificate under their common seal that such charge is extinguished which shall be sufficient evidence thereof. Provided that the Council shall pay to the owners or to the owners and lessees as the case may be all costs charges and expenses reasonably and properly incurred by them in consequence of the said lands having been included in the assessment such costs failing agreement to be settled by a master of the High Court :

Lands decreased in value.

- (10) At any time during the said period of three months after the last publication of the assessment the owner or lessee of any lands upon which a charge under this section is proposed to be placed who may be the owner or lessee of other lands within the limits of deviation may give written notice to the Council that substantial and permanent decrease in the value of such other lands to an amount to be stated in the notice has been caused by the improvement and that he claims that such alleged decrease shall be considered by the arbitrator and if it be clearly shown that any substantial and permanent decrease in the value of such other lands as aforesaid has been caused by the improvement the arbitrator shall deduct the same in determining the amount of the charge in respect of such first-mentioned lands :

Notices by joint tenants.

For the purposes of this part of this Act joint tenants or tenants in common may give any such notice as aforesaid through one of their number authorised in writing under the hands of the majority of such joint tenants or tenants in common and any lessees may combine in a notice :

If no objection or claim assessment final.

- (11) If at the expiration of the said period of three months no notice of objection or of alleged decrease in value shall have been served on the Council then the Council may publish notice to that effect in the "London Gazette" and as from the date of such notice such assessment shall become final :

Arbitrator to settle objections and claims.

- (12) If any such notice of objection or of alleged decrease in value be served on the Council within the said period of three months then the Council may apply to the Local Government Board to appoint an arbitrator for the purposes of this part of this Act and the Local Government Board shall appoint an arbitrator accordingly and as often as any such arbitrator shall die or resign or become incapable of acting (previous to the making of an award as hereinafter provided) the Council may in like manner apply to the said board and the said board shall from time to time appoint another arbitrator in his stead and every such arbitrator shall be entitled to such fees or remuneration as may be fixed by the Local Government Board :

Amendment of assessment.

- (13) The Council may at any time before the appointment of the arbitrator but subject to the provisions of this part of this Act by resolution amend the assessment so as to include in the assessment as amended any lands by this Act made

liable to have an improvement charge placed upon them and comprised in the initial valuation but not in the original assessment and may fix the sums proposed to be charged upon any such lands but any such resolution shall be published and copies thereof shall be served and copies of the amended assessment deposited for public inspection in the manner herein-before prescribed with respect to the original resolution and assessment and notices of objection and of alleged decrease in value in respect of the amended assessment may be given in like manner and if given shall be dealt with and determined in like manner as objections to or claims in respect of the original assessment :

- (14)—(i.) The Council at any time after the appointment of the arbitrator may apply to the arbitrator to appoint a time for determining the matter of all objections and alleged decreases in value made as in this part of this Act mentioned and for making an award and shall publish a notice of the time and place appointed and copies of such notice shall be served upon the objectors and claimants and also upon the owners lessees and occupiers of any lands inserted or which it may be proposed to insert in the award (being in all cases lands by this part of this Act made liable to have an improvement charge placed upon them and comprised in the initial valuation) and at the time and place so appointed the arbitrator may proceed to hear and determine the matter of all such objections and allegations. The arbitrator may amend the assessment on the application either of any objector or claimant or of the Council. Provided that if he insert in the award any lands or the name of any person not included in the original assessment or increase the amount of the charge on any lands such notice as the arbitrator may think sufficient shall be given to the persons affected to enable them to object to such insertion or increase ;
- (ii.) The arbitrator may also if he think fit adjourn the hearing and direct any further notices to be given ;
- (iii.) No objection to any assessment or award which could be made under this Act shall be otherwise made or allowed in any court proceeding or manner whatsoever ;
- (iv.) All the reasonable and proper costs of any such arbitration and incident thereto shall be borne by the Council unless the arbitrator shall award the same amount of charge as shall have been proposed in the assessment or for a greater amount or (in the case of alleged decrease in value) for a less amount than the amount claimed in which case each party shall bear his own costs incident to the inquiry or arbitration and the costs of the arbitrator shall be borne in equal proportions. Provided that if it shall appear to the arbitrator that any objection to the amount proposed to be assessed or that any claim was frivolous and vexatious the arbitrator may make such order concerning the costs of the person making such objection as to him may seem meet. Where such costs are ordered to be paid or become payable by an objector or objectors the arbitrator may if he thinks fit add such costs to the charge apportioned on the estate or interest of the objector or objectors :

Procedure of
arbitrator.

- Final award. (15) When and so soon as the assessment and any amendments thereof and all objections thereto and all such allegations as aforesaid (if any) shall have been disposed of as by this part of this Act directed the arbitrator shall issue an award under his hand which shall be final and conclusive for all purposes ;
- A copy of the award shall be published once in the "London Gazette" and notice of such award shall be served upon the owners or reputed owners lessees or reputed lessees and occupiers of the lands affected thereby :
- Effect of charge. (16) If no objection as herein-before provided be made to the assessment the amount defined by the assessment or the amended assessment (and if an award be made as herein-before provided then the amount defined by the award) as the charge in respect of any lands shall be a charge and incumbrance thereon and the Council shall cause the same to be registered as a land charge under the Land Charges Registration and Searches Act 1888 :
- Incidence of charge. (17) The charge in respect of any lands as fixed by the award shall (subject to the following provision) begin to be payable on the first day of April or October as the case may be next ensuing after the date of the award and shall be payable thereafter half-yearly until redeemed and satisfied ;
- The arbitrator in making the award shall take into consideration all the circumstances of the case and in particular shall consider the several interests in such lands and the time at which they severally expire and may make the commencement of any charge dependent on the expiration of any term of years or other period or on the happening of any event as he shall deem fair and equitable ;
- The improvement charge charged upon any lands shall be apportioned between the several parties having any estate or interest in such lands as they shall agree or as in the event of no agreement being made or so far as any such agreement shall not extend shall be determined by the arbitrator who may apportion the incidence of such charge as between the freehold and any other estate or interest in the lands during the period of any existing term of years for which the same is held at the date of the award :
- Collection of charge. (18) The charge due in respect of any lands shall be payable to the Council on demand and may be collected on behalf of the Council by such persons as they may appoint for that purpose ;
- Where any lands in respect of which a charge is payable are occupied by any person the Council may collect the annual payments due in respect of the charge from such person But if he be not the person for the time being liable to the payment of the charge or any part thereof then he may deduct from any rent payable by him the charge or any part thereof payable by any other person and any person receiving such rent (if he be not the person liable to pay the charge or any part thereof) may in like

manner deduct from any rent payable by him the charge or such part thereof as is payable by any other person so that the proper deduction may in each case be made from the rent paid to the person or persons by whom the charge or any portion thereof is payable ;

In case of default being made in any payment due to the Council in respect of the charge the amount thereof may be recovered in any court of summary jurisdiction and in addition the Council may have and exercise such remedies for recovering the same as are conferred by the Conveyancing and Law of Property Act 1881 with regard to sums payable by way of rent-charge :

- (19) Any owner lessee or occupier of any lands subject to the charge or any other person interested therein may from time to time redeem the same by agreement with the Council and shall be entitled from time to time to redeem the charge upon any lands on payment to the Council of any arrears thereof and of a sum equal to thirty-three times the amount of such charge and from and after such redemption the charge shall be deemed to be satisfied and shall be no longer payable in respect of the said lands and the Council shall give a certificate under their common seal that the said charge is redeemed and satisfied which shall be sufficient evidence thereof : Redemption of charge.
- (20) Where the incidence of the charge as between any persons interested in the lands is regulated or affected by contract or covenant the arbitrator shall have regard to such contract or covenant and this Act shall not be deemed to alter the effect of such contract or covenant : As to existing contracts etc.
- (21) In any case where the Council are required under this part of this Act to serve any notice or other document upon any owner or lessee and the Council are unable after diligent inquiry to ascertain the name or address of any owner or lessee on whom such notice or document is to be served it shall be sufficient to serve the same either by delivering the same to the occupier of the lands with a notice that the same is to be given to each immediate or superior landlord or owner or by affixing a copy of the resolution to some conspicuous and convenient place on or near the lands : Service of notices etc.
- (22) The Arbitration Act 1889 shall subject to the provisions of this part of this Act apply to the arbitrator and procedure before him except that the award shall be final and binding upon all parties. Arbitration Act to apply.

[See 62 & 63 Vict. c. cxxxvii. s. 34.]

PART IV.—FINANCIAL.

37. [*Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council Money Acts 1896—1905.*]

38. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . As to payments under this Act.
 [Part omitted (expenses of obtaining Act) spent.]

CHAPTER CXL.

AN ACT TO REGULATE THE EXPENDITURE OF MONEY BY THE LONDON COUNTY COUNCIL ON CAPITAL ACCOUNT DURING THE CURRENT FINANCIAL PERIOD AND THE RAISING OF MONEY TO MEET SUCH EXPENDITURE.

[6th July 1895.]

[*Preamble.*]

Short title.

1. This Act may be cited for all purposes as the London County Council (Money) Act 1895 and the London County Council (Money) Acts 1875 to 1894 and this Act may be cited together as the London County Council (Money) Acts 1875 to 1895.

Construction of Act.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts 1869 to 1871 and the London County Council (Money) Acts 1875 to 1894 but all consolidated stock created by the Council shall be charged on the county rate in substitution for the consolidated rate.

Interpretation.

3. In and for the purposes of this Act—

The expression “the Council” shall mean the London County Council;

The expression “the financial year” shall mean the period from the first day of April one thousand eight hundred and ninety-five to the thirty-first day of March one thousand eight hundred and ninety-six both dates inclusive;

The expression “the following six months” shall mean the period from the first day of April one thousand eight hundred and ninety-six to the thirtieth day of September one thousand eight hundred and ninety-six both dates inclusive;

The expression “the financial period” shall mean the current financial year of the Council and the following six months.

[*Part omitted (definition of “Main Drainage Acts”) spent.*]

4—6. [*Power to the Council during the financial period to expend money for sundry purposes. Spent.*]

7. [*Power to the Council during the financial period to lend to vestries, district boards, and other public bodies in London. Spent.—Provision as to repayment identical with such provision in 55 & 56 Vict. c. cccxxvii. s. 7.*]

8. [*Power to the Council during the financial period to lend to boards of guardians in London. Spent.—Provision as to repayment identical with such provision in 54 & 55 Vict. c. 62, s. 9.*]

9. [*Power to the Council during the financial period to lend to the Managers of the Metropolitan Asylum District. Spent.*]

10. [*Power to the Council during the financial period to lend to the School Board for London. Spent.—Provision as to repayment superseded 2 Edw. 7, c. 42, s. 5, and 2nd Schedule; and 3 Edw. 7, c. 24. See also the Public Works Loans Act 1905, s. 3. (See Appendix.)*]

11. [*Protection of the Council in case of certain loans. Identical with 54 & 55 Vict. c. 62, s. 13.*]

12. [*Power to raise consolidated stock. Identical with 56 & 57 Vict. c. cexi. s. 12.*]

13. [*Power to the Council within 12 months after issue of stock to apply money raised by stock to make up dividends from fixed dates. Spent.*]

14. [*The provisions of 54 & 55 Vict. c. 62, ss. 16—20 to apply to the purposes of this Act. Spent.*]

15. [*The limitation on the borrowing power of the Council contained in s. 38 of 32 & 33 Vict. c. 102 not to extend to money raised under this Act. Spent.*]

16. [*Limit to the exercise of borrowing powers by the Council during the financial period. Spent.*]

17. [*Incorporation of ss. 27—43 of 48 & 49 Vict. c. 50. Identical with 52 & 53 Vict. c. 61, s. 26.*]

18. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . .
[*Part omitted (as to expenses of obtaining this Act) spent.*]

As to payments under this Act.

SCHEDULE. [*Particulars of purposes for which moneys may be raised under this Act, and of the sums authorised to be raised for such purposes. Spent.*]

59 & 60 VICTORIA. A.D. 1896.

CHAPTER 27.

AN ACT TO AMEND THE LAW RELATING TO CABS IN LONDON.

[*7th August 1896.*]

1. If any person commits any of the following offences with respect to a cab, namely :—

Penalties or defrauding cabmen.

(a) hires a cab, knowing or having reason to believe that he cannot pay the lawful fare, or with intent to avoid payment of the lawful fare ; or

(b) fraudulently endeavours to avoid payment of a fare lawfully due from him ; or

(c) having failed or refused to pay a fare lawfully due from him, either refuses to give to the driver an address at which he can be found, or, with intent to deceive, gives a false address,

he shall be liable on summary conviction to pay, in addition to the lawful fare, a fine not exceeding forty shillings, or, in the discretion of the court, to be imprisoned for a term not exceeding fourteen days ; and the whole or any part of any fine imposed may be applied in compensation to the driver.

2. Section eighteen of the London Hackney Carriage Act 1853 is hereby repealed from “and in case of any dispute” to the end of the section.

Repeal of 16 & 17 Vict. c. 33.

3. In this Act the expression “cab” shall mean any hackney carriage within the meaning of the Metropolitan Public Carriage Act, 1869.

Meaning of cab. 32 & 33 Vict. c. 115.

4. This Act may be cited as the London Cab Act, 1896.

Short title.

CHAPTER 55.

AN ACT TO MAKE PROVISIONS RELATING TO THE OFFICES OF CHAIRMAN AND DEPUTY CHAIRMAN OF THE COURT OF QUARTER SESSIONS FOR THE COUNTY OF LONDON. [14th August 1896.]

[*Preamble.*]

Providing for a pension for the chairman and deputy chairman.

1. It shall be lawful for Her Majesty the Queen to assign a pension to the chairman or to any deputy chairman of the court of quarter sessions for the county of London—

- (a) after such chairman or deputy chairman shall have attained the age of seventy years, if he shall then have completed fifteen years service ; or
- (b) after such chairman or deputy chairman shall have completed fifteen years service, if he shall attain the age of seventy years before having completed fifteen years service ; or
- (c) in the event of such chairman or deputy chairman being disabled by permanent infirmity from the performance of the duties of his office.

Provided that no such pension shall exceed in amount two-thirds of the salary of the chairman or deputy chairman as the case may be. [*See 51 & 52 Vict. c. 41, s. 42.*]

Providing for the appointment of deputies.

2. It shall be lawful for a Secretary of State, in case such chairman or deputy chairman shall be absent by reason of sickness or other unavoidable cause, or shall be absent on such other occasions as may be allowed by such Secretary of State, to appoint a barrister of not less than ten years standing to act as chairman or deputy chairman in the absence of such chairman or deputy chairman, as the case may be, and in case the chairman and deputy chairman shall both be absent as aforesaid, to appoint two barristers of not less than ten years standing to act as chairman and deputy chairman during the absence of such chairman and deputy chairman. There shall be paid to every barrister so appointed the sum of five pounds five shillings for every day on which he shall sit and act as chairman or deputy chairman.

Appointment of clerk to chairman.

3. It shall be lawful for the chairman of the court of quarter sessions for the county of London for the time being to appoint any person he may think fit and proper to be his clerk, and to remove such clerk at his pleasure. There shall be paid to such clerk a salary at a rate not exceeding two hundred and fifty pounds a year.

Appointment of clerk to deputy chairman.

4. It shall be lawful for the deputy chairman of the court of quarter sessions for the county of London for the time being to appoint any person he may think fit and proper to be his clerk and to remove such clerk at his pleasure. There shall be paid to such clerk a salary at a rate not exceeding one hundred and fifty pounds a year.

Payments by London County Council.

5. Every pension, fee, and salary paid under this Act shall be paid by the London County Council out of the county fund as a general county purpose.

Section 43 of Act of 1895 not to apply to future chairmen.

6. Section forty-three of the London County Council (General Powers) Act, 1895 (pension to chairman of court of quarter sessions), shall not apply to any chairman appointed after the passing of that Act.

Short title.

7. This Act may be cited as the Quarter Sessions (London) Act 1896.

CHAPTER 59.

AN ACT TO AMEND THE BATHS AND WASHHOUSES ACTS.

[14th August 1896.]

[*Preamble.*]

1. This Act may be cited for all purposes as the Baths and Washhouses Act, 1896, and this Act and the Baths and Washhouses Acts, 1846 to 1882, may be cited together for all purposes as the Baths and Washhouses Acts, 1846 to 1896. Short title.

2. From and after the passing of this Act the following proviso to section five of the Baths and Washhouses Act, 1878, viz.: "Provided always that no covered or open swimming bath when closed may be used for music or dancing," shall be repealed, so far as the administrative county of London is concerned. Amendment of 41 & 42 Vict. c. 14, s. 5.

Provided always—

(a.) That the Commissioners* appointed under the Baths and Washhouses Acts, 1846 to 1896, or any sanitary authority or other representative body to whom the powers of the said Commissioners shall have been transferred by any order of the Local Government Board made under the provisions of the Local Government Act, 1894, which Commissioners, sanitary authority, or representative body, are herein-after referred to as "such Commissioners," shall before any such bath is used for music or dancing obtain a licence from the London County Council in the manner herein-after prescribed; 56 & 57 Vict. c. 73, ss. 7 and 33 (1) (6).

(b.) That no portion of the premises in respect of which the licence is granted be let otherwise than occasionally to any person or persons corporate or otherwise, and that no money for admission be taken at the doors;

(c.) That such Commissioners be responsible for any breach of the conditions on which the licence is granted which may occur during any entertainment given on such premises by their permission.

3. At any annual licensing meeting, or at any other meeting duly convened with fourteen days previous notice, the London County Council may grant a licence for music or dancing, or for both purposes, to such Commissioners, subject to the provisions of the Disorderly Houses Act, 1751, as amended by the Local Government Act, 1888. Licence by London County Council. 25 Geo. 2, c. 36. 51 & 52 Vict. c. 41.

CHAPTER LI.

† AN ACT TO ENABLE THE LONDON COUNTY COUNCIL TO WORK THEIR TRAMWAYS AND FOR OTHER PURPOSES.

[2nd July 1896.]

[*Preamble.*]

1. This Act may be cited as the London County Tramways Act 1896. Short title.

2. It shall be lawful for the Council to exercise with respect to any tramways authorised by the Local Acts mentioned in the Power to Council to work tramways.

* See 62 & 63 Vict. c. 14, ss. 4 (2) and 34; and the London (Adoptive Acts) Scheme 1900 made thereunder.

† See also 59 & 60 Vict. c. cexi.; 63 & 64 Vict. cc. cxxxxviii. and cclxx.; 1 Edw. 7, c. cclxxi.; 2 Edw. 7, cc. ccxviii. and ccxix.; 3 Edw. 7, c. ccxix.; and 4 Edw. 7, c. cccxxi.

schedule to this Act which have been or shall be purchased or acquired by them under their statutory powers the same powers of working such tramways respectively as were possessed by the company or companies respectively owning such tramways and the Council may provide place and run carriages thereon and provide such horses cars fixed and moveable plant harness and apparatus as may be requisite or convenient for enabling the Council to exercise such powers and they may employ such persons as may be requisite or convenient for working the tramways for the time being worked by them :

And the several provisions relating to the working of the tramways and the taking of tolls rates and charges therefor contained in any Act relating to any such tramway shall extend and apply mutatis mutandis to and in relation to such tramway for the time being worked by the Council and to the Council instead of to the company.

As to stables
and build-
ings.

3. The Council may also erect or construct and hold such stables and buildings as may be requisite or convenient in connexion with the working of such tramways But nothing in this Act shall exonerate the Council from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them by the exercise of the powers of this section. [*See also* 63 & 64 *Vict. c. cclxx. s. 29* ; 1 *Edw. 7, c. cclxxi. s. 17* ; 2 *Edw. 7, c. ccxix. s. 8* ; 3 *Edw. 7, c. ccxix. s. 8* ; and 4 *Edw. 7, c. ccxxxi. s. 59.*]

Running
powers.

4. The Council may enter into and carry into effect any agreement with any company owning any tramway connected with any tramway of the Council with respect to the exercise of running powers either by such company over the tramways of the Council or by the Council over the tramways of such company or any part thereof respectively Provided that during the currency of any such agreement all enactments byelaws and regulations relating to the use of or the running of carriages upon the tramways used and the taking of tolls rates and charges therefor shall so far as applicable extend and apply mutatis mutandis to and shall be observed by the Council or the company as the case may be exercising such running powers None of the powers in this section contained shall be exercised in the county of Middlesex without the consent of the county council of that county. [*See also* 3 *Edw. 7, c. ccxix. ss. 13 and 14*, and 4 *Edw. 7, c. ccxxxi. s. 60.*]

For the pro-
tection of
the Corpora-
tion of West
Ham.

5. For the protection of the mayor aldermen and burgesses of the county borough of West Ham in the county of Essex (in this section referred to respectively as "the corporation" and "the borough") the following provisions shall have effect :

Nothing in this Act shall authorise the Council to enter into or carry into effect any agreement or arrangement with respect to the exercise of running powers by the Council over any tramway situate within the limits of the borough without the consent in writing of the corporation under the hand of the town clerk of the borough (which consent shall not be unreasonably withheld) or shall authorise the Council (without the like consent) to acquire hold provide or erect within the borough any stables or other buildings or fixed engines plant or machinery in connexion with the exercise of any of the powers conferred upon the Council by this Act :

If at any time any dispute or difference shall arise between the corporation on the one hand and the Council or the company

or the Council and the company on the other hand as to the reasonableness of granting such consent or in any way as to the conditions to be attached thereto the same shall from time to time be referred to the determination and award of an arbitrator to be appointed at the request either of the Council or the corporation by the Board of Trade and the decision of such arbitrator both as to the matters in question and as to the payment of the costs of and incidental to the reference and award shall be final and conclusive and binding on all parties.

6. Nothing in this Act shall authorise the Council to enter into or carry into effect any agreement or arrangement with respect to the exercise of running powers by the Council over any tramway situate without the administrative county of London unless with the consent in writing of the council of the county and the district council of the district within which such tramway is situate (which consent shall not be unreasonably withheld).

Further provisions as to exercise of running powers.

If at any time any dispute or difference shall arise between the Council on the one hand and any such council or district council on the other hand as to the reasonableness of granting such consent or in any way as to the conditions to be attached thereto the same shall from time to time be referred to the determination and award of an arbitrator to be appointed at the request either of the Council or of such other council or district council by the Board of Trade and the decision of such arbitrator both as to the matters in question and as to the payment of the costs of and incidental to the reference and award shall be final and conclusive and binding on all parties. [See also 3 *Edw.* 7, c. cccix. ss. 13 and 14, and 4 *Edw.* 7, c. cccxxi. s. 60.]

7. If and so long as the Council under the powers of this Act work any of the tramways mentioned in this Act the Board of Trade may make regulations and byelaws for all or any of the purposes for which under section 46 of the Tramways Act 1870* the local authority or the promoters of a tramway may make regulations and byelaws.

As to bye-laws.

Any penalty imposed by any such byelaw may be sued for by persons affected by the offence in respect of which such penalty is imposed.

Notice of any such byelaw shall before such byelaw becomes operative be published by the Council in such manner as the Board of Trade may prescribe.

8. It shall not be lawful for the Council or their lessees or any company or person working or using the tramways to take or demand on Sunday or on any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

Prohibiting the raising of fares on Sundays and holidays

9. Notwithstanding any provision in any Act or Provisional Order relating to any tramway which has been or shall be purchased or acquired by the Council the Conveyance of Mails Act 1893 shall extend and apply to the Council and to any such tramway as aforesaid which is worked by the Council under the powers of this Act as if such tramway had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three.

Conveyance of mails.

10. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this

* See Appendix.

As to pay-
ments under
this Act.

or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [See also 63 & 64 Vict. *cc.* cccxxxviii. s. 28 and cclxx. s. 47 ; 1 *Edw.* 7, c. cclxxi. s. 68 ; 2 *Edw.* 7, *cc.* cccxviii. s. 36 and cccix. s. 57 ; 3 *Edw.* 7, c. cccix. s. 61 ; and 4 *Edw.* 7, c. cccxxi. s. 27 and 2nd Sch. Part omitted (*expenses of obtaining Act spent.*)]

The SCHEDULE referred to in the foregoing Act.

PART I.

ACTS UNDER WHICH TRAMWAYS IN LONDON HAVE BEEN AUTHORISED.

Name of Tramway.	Special Acts or Acts confirming Provisional Orders relating to the Tramways.	
Harrow Road and Paddington	49 & 50 Vict. c. civ. 51 & 55 Vict. c. clxviii.	56 & 57 Vict. c. xli. 57 & 58 Vict. c. lxxxiii.
Highgate Hill	45 & 46 Vict. c. lxx.	
Lea Bridge Leyton and Waltham- stow	44 & 45 Vict. c. clxx. 47 & 48 Vict. c. cclxlv.	52 & 53 Vict. c. clviii. 53 & 54 Vict. c. clxxxii.
London	32 & 33 Vict. c. xciv. 32 & 33 Vict. c. xc. 33 & 34 Vict. c. clxvii. 33 & 34 Vict. c. clxxiii. 33 & 34 Vict. c. clxxiv. 36 & 37 Vict. c. lv. 36 & 37 Vict. c. cciv. 36 & 37 Vict. c. ccv.	36 & 37 Vict. c. cccxxiii. 43 & 44 Vict. c. civ. 47 & 48 Vict. c. lvii. 51 & 52 Vict. c. clxiv. 52 & 53 Vict. c. cxxiv. 53 & 54 Vict. c. xxiv. 57 & 58 Vict. c. cxxxii.
London Camberwell and Dulwich	45 & 46 Vict. c. ccciii. 46 & 47 Vict. c. cccxvii.	48 & 49 Vict. c. ccix. 50 & 51 Vict. c. clxxxiii.
London Deptford and Greenwich	42 & 43 Vict. c. lxxii. 44 & 45 Vict. c. clxxiii. 52 & 53 Vict. c. clxvii.	54 & 55 Vict. c. ccix. 56 & 57 Vict. c. ccxii.
London Southern	45 & 46 Vict. c. ccvii.	47 & 48 Vict. c. cxi.
London Street	33 & 34 Vict. c. clxxi. 36 & 37 Vict. c. ccv. 36 & 37 Vict. c. cccxi. 37 & 38 Vict. c. clxxxiii. 40 & 41 Vict. c. ccix. 42 & 43 Vict. c. clxxxix.	45 & 46 Vict. c. clxiii. 47 & 48 Vict. c. xciv. 48 & 49 Vict. c. cxv. 50 & 51 Vict. c. iv. 51 & 52 Vict. c. lxxviii.
North London	42 & 43 Vict. c. ccxiii. 45 & 46 Vict. c. cciv. 46 & 47 Vict. c. cxlii.	47 & 48 Vict. c. ccxii. 50 Vict. c. xxxix.
North Metropolitan	32 & 33 Vict. c. ci. 33 & 34 Vict. c. clxxii. 34 & 35 Vict. c. clxxix. 36 & 37 Vict. c. lxxviii. 37 & 38 Vict. c. xlv. 40 & 41 Vict. c. cxi. 43 & 44 Vict. c. xcvi.	45 & 46 Vict. c. cxxxvi. 47 & 48 Vict. c. clxviii. 48 & 49 Vict. c. xxvi. 50 & 51 Vict. c. xii. 51 & 52 Vict. c. cxxii. 53 & 54 Vict. c. xlv. 55 & 56 Vict. c. clx.
South Eastern Metropolitan	47 & 48 Vict. c. clxvii.	51 & 52 Vict. c. clxxxvi.
South London	42 & 43 Vict. c. ccvii. 43 & 44 Vict. c. xvi. 44 & 45 Vict. c. clxiv. (City of London and Metropolitan Tram- ways Order)	44 & 45 Vict. c. clxxxiv. 45 & 46 Vict. c. ccxii. 46 & 47 Vict. c. clxvii

Name of Tramway.	Special Acts or Acts confirming Provisional Orders relating to the Tramways.	
West Metropolitan or London United	36 & 37 Vict. c. lxxxv. (Southall Ealing and Shepherd's Bush Order) 36 & 37 Vict. c. ccxv. (West London Tramways Order) 39 & 40 Vict. c. cl. (Shepherd's Bush Order) 44 & 45 Vict. c. clxiv. (Shepherd's Bush and Hammersmith Order)	45 & 46 Vict. c. ccv. 47 & 48 Vict. c. c. 50 & 51 Vict. c. excvi. 52 & 53 Vict. c. ccii. 54 & 55 Vict. c. cxxxii. 56 & 57 Vict. c. xlviii. 58 & 59 Vict. c. c.
Woolwich and South East London	43 & 44 Vict. c. clxxiii.	44 & 45 Vict. c. cv.

PART II.

ACTS AND PROVISIONAL ORDERS UNDER WHICH THE COUNCIL ARE PROCEEDING TO PURCHASE THE TRAMWAYS THEREBY AUTHORISED.

- The North Metropolitan Tramways Act 1871.
- (The Metropolitan Street Tramways (Extension etc.) Order 1873.
- (The Pimlico Peckham and Greenwich Street Tramways (Extensions) Order 1873.
- (The Metropolitan Tramways Orders Confirmation Act 1873.
- (The London Tramways Company (Limited) (Purchase) Act 1873.
- (The Tramways Orders Confirmation Act 1874.
- (The London Street Tramways (Extensions) Act 1884.
- (The London Street Tramways (Extensions) Act 1885.
- (The London Street Tramways (Extensions) Act 1887.

CHAPTER CLXXXVIII.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO PURCHASE LANDS FOR VARIOUS PURPOSES TO EXTEND THE TIME FOR PURCHASE OF LANDS AT YORK WATER GATE TO CONFER FURTHER POWERS ON THE COUNCIL WITH RESPECT TO MAIN ROADS TO CONFER FURTHER POWERS ON VESTRIES AND DISTRICT BOARDS OF WORKS AND FOR OTHER PURPOSES.

[7th August 1896.]

[Preamble.]

PART I.

INTRODUCTORY.

1. This Act may be cited as the London County Council (General Powers) Act 1896.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

“The Council” means the London County Council:

“Street” has the meaning assigned to that term in the Metropolis Management Act 1855 and the Acts amending the same.

[Part omitted (definitions of “two Justices” and of words in Lands Clauses Acts incorporated, and of “superior courts” and “court of competent jurisdiction” in this Act and in the incorporated Acts) spent.]

3. [Incorporation of Lands Clauses Acts. Spent.]

PART II.

PURCHASE OF LANDS ETC.

Purchase of lands in connexion with improvement of eastern approach to Lambeth Bridge.

4. Subject to the provisions of this Act the Council may purchase and take for or in connexion with the improvement of the eastern approach to Lambeth Bridge—

Lands in the parish of Lambeth and county of London bounded on the north by the Lambeth Road and on the west by the Albert Embankment on the south by Ferry Street and on the east by High Street Lambeth ; delineated on the deposited plans and described in the deposited book of reference and the Council may also stop up Bunyan Place in the said parish when they have become owners in possession of all property abutting thereon and as from the date of such stopping all rights of way over Bunyan Place shall be extinguished and the site thereof shall vest in the Council.

Purchase of lands for purposes of erection of staircase at Wandsworth Bridge.

5. [*Power to the Council to take lands to make a staircase or steps to form an access for foot passengers to the footway along the western side of Wandsworth Bridge.*]

When the construction of the staircase or steps is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate the said staircase or steps may be used by the public accordingly.

The lands acquired by the Council for the purpose of the said staircase or steps shall be and remain vested in the Council and the maintenance repair paving cleansing and lighting of such staircase or steps shall be under the care management control and jurisdiction of the authority in whom the management and repair of streets is vested in the same manner as other streets in their district.

6. [*Power to the Council to take part of the churchyard of the parish of Plumstead shown on the deposited plans, for the widening of High Street, Plumstead. Spent.*]

7. [*Power to the Council to purchase the "White House" beer-house, Hackney Marshes—Period for compulsory purchase extended till 7th August 1904 by 62 & 63 Vict. c. ccxxxvii. s. 31, and 2 Edw. 7, c. clxxiii. s. 40. Lapsed. The powers under this section were not exercised.*]

Purchase of lands for various purposes.

8. Subject to the provisions of this Act the Council may purchase and take the lands herein-after described delineated on the deposited plans and described in the deposited book of reference (viz.) :—

For the purposes of the Metropolitan Fire Brigade Act 1865—

STREATHAM.—Lands in the parish of Streatham and county of London at the junction of Babington Road and Inverleith Avenue extending from Inverleith Avenue for a distance of one and a half chains or thereabouts along the west or north-west side of Babington Road ;

SHEPHERD'S BUSH.—Lands in the parish of Saint Peter and Saint Paul Hammersmith and county of London situate on the south side of the Uxbridge Road and adjoining and on the east side of Pennard Road ;

For the purposes of the construction of a gas meter testing station—

Lands in the parish of Saint Mary Newington and county of London on the north-east side of Devonshire Street situate between Devonshire Street and the site of the London County Sessions House Newington.

9. [*Repeal of s. 7 of 57 & 58 Vict. c. clxxxv. so far as it empowered the Council to take land in the parish of St. Peter and St. Paul, Hammersmith. Spent.*]

10—14. [*As to acquisition of easements—Errors and omissions in plans—Power to the Council to enter and survey property to be taken—As to arbitration—Power to stop up ways during construction of works. Spent.*]

15. [*Powers to the Council to make subsidiary works and to stop up streets and appropriate the sites thereof, to alter and interfere with drains and sewers on providing proper substitutes—Vesting the soil of streets, etc., stopped up in the Council—Substituted sewers and drains to be under the same management as existing sewers and drains.*]

16. [*Alteration of water, gas, and other pipes. Spent.*]

17. [*Power to the Council to fill up sewers or drains on providing substituted sewers and drains, which are to be under the same management as existing sewers and drains.*]

18—26. [*Power to the Council to alter steps, areas, pipes, etc.—Period for compulsory purchase of lands limited to 3 years (extended till 7th August 1904 by 62 & 63 Vict. c. cccxxxvii. s. 31, and 2 Edw. 7, c. clxxiii. s. 40 (2)—Power to the Council to sell materials, to lease surplus lands, to sell ground rents, to sell lands without leasing, to let or exchange lands, to dispose of lands not wanted—Receipts of the Council to be effectual discharges.*]

27. [*Power to the Council to make agreements with owners of property.*]

28. [*As to re-housing labouring-class persons displaced. Spent.*]

PART III.

MISCELLANEOUS.

29—30. [*Extension till 29th June 1899 of the period named in s. 27 of 56 & 57 Vict. c. lxxi. for the compulsory purchase of land in connection with York Water Gate, and application of the Railways Clauses Act 1863 to such extension of time. Spent.*]

31. Notwithstanding anything contained in the Highways and Bridges Act 1891* section 16 of the Highways and Locomotives (Amendment) Act 1878* shall apply to any part of a main road in the county of London (not including the city of London) and an order made by the Local Government Board declaring that any road or part of a road in the county of London (not including the city of London) has ceased to be a main road and become an ordinary highway shall be valid and final without confirmation by Parliament on such terms as to compensation as may be decided by the Local Government Board. [*See also 51 & 52 Vict. c. 41, s. 41 (1), and 62 & 63 Vict. c. 14, s. 6.*]

Application of certain provisions of Highways and Bridges Acts to London.

* See Appendix.

Power to
sanitary or
authorities
to borrow
for certain
sanitary
purposes.

32. The purposes for which under section 105 sub-section (2) of the Public Health (London) Act 1891 vestries* and boards of works for districts* under the Metropolis Management Act 1855 and the Acts amending the same and also the Woolwich Local Board† are empowered to borrow shall extend to and include the purposes of providing shelter or house accommodation for persons removed from their homes in case of infectious disease. [See 54 & 55 Vict. c. 76, ss. 60 (4), 66, and 67.]

Provision as
to playing of
music at
Highbury
Fields.

33. Notwithstanding anything contained in section 55 of the Metropolitan Board of Works (Various Powers) Act 1885 the Council shall have and may exercise the same powers with reference to the playing of music on any part of the open space known as Highbury Fields and referred to in the said section as they have in respect of other open spaces under their control and in respect to which they are not subject to special restrictions. [See also 53 & 54 Vict. c. cexliii. s. 21, and 56 & 57 Vict. c. ccxxi. s. 18.]

PART IV.

FINANCIAL.

34. [Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council Money Acts 1897—1905.]

As to pay-
ments under
this Act.

35. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [Part omitted (expenses of obtaining Act) spent.]

CHAPTER CCXI.

AN ACT TO ENABLE THE LONDON COUNTY COUNCIL TO CONSTRUCT TRAMWAYS OVER VAUXHALL BRIDGE AS ABOUT TO BE RECONSTRUCTED AND THE APPROACHES THERETO IN THE COUNTY OF LONDON AND FOR OTHER PURPOSES. [7th August 1896.]

[Preamble.]

Short title.

1. This Act may be cited as the London County Council (Vauxhall Bridge Tramways) Act 1896.

Incorporation
of Acts.

2. The following Acts and parts of Acts (that is to say):—

. . . section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870; ‡

as far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

[Part omitted (incorporation of Lands Clauses Acts) spent.]

Interpreta-
tion.

3. In this Act unless the subject or context otherwise require—

Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings :

* Now the Councils of the Metropolitan Boroughs. See 62 & 63 Vict. c. 14, s. 4.

† Now the Council of the Metropolitan Borough of Woolwich. See 62 & 63 Vict. c. 14, s. 4.

‡ See Appendix.

“The Council” means the London County Council :

“The tramways” means the tramways by this Act authorised and any part thereof ;

“Tramway revenue” means all revenue arising from the tramways.

4. Subject to the provisions of this Act the Council may make form lay down and maintain within the county of London the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all such rails plates sleepers junctions turntables turnovers crossings passing places works and conveniences connected therewith as may be necessary or proper therefor And the Council may provide place maintain and work carriages on the tramways :

Power to make tramways.

The tramways herein-before referred to and authorised by this Act will be of the gauge of four feet eight and a half inches but carriages or trucks adapted for use upon railways shall not be run upon the tramways :

A Tramway (No. 1) (double line) 2 furlongs 8.85 chains or thereabouts in length commencing in the parish of Saint John the Evangelist Westminster in the county of London at the termination of the existing tramway of the London Tramways Company* at the south-eastern end of Vauxhall Bridge Road by a junction with that tramway and terminating in the parish of Lambeth in the same county by a junction with the same company's tramway under the railway bridge carrying the London and South Western Railway over Upper Kennington Lane :

A Tramway (No. 2) (double line) 1 chain or thereabouts in length in the parish of Lambeth in the county of London commencing by a junction with the existing tramway at Vauxhall Cross of the South London Tramways Company† and the London Southern Tramways Company or one of them at or near the junction of the said two tramways and terminating in Upper Kennington Lane by a junction with the intended Tramway (No. 1) at a point one chain or thereabouts westward of the South London Tramway.

5. If the tramways be not constructed as part of the New Vauxhall Bridge and approaches authorised by the London County Council (Vauxhall Bridge) Act 1895 then on the expiration of the period limited by the said Act for the completion of the said bridge the powers by this Act granted to the Council for constructing the same or otherwise in relation thereto shall cease except as to so much of the tramways respectively as is then completed. [*Period extended till 6th July 1907 by 2 Edw. 7, c. clxxiii. s. 39.*]

Period for completion of tramways.

6. No part of the tramways shall be opened for public traffic until the same has been inspected by an officer of the Board of Trade and certified under the hand of a secretary or an assistant secretary of the said Board to be fit for such traffic.

Tramways not to be opened until certified by Board of Trade.

7. The rails of the tramways shall be such as the Board of Trade approve and the Board of Trade may from time to time require the Council to adopt and apply such improvements in the tramways

As to rails of tramways.

* The tramway undertaking of this Company was purchased by the Council in 1899.

† The tramway undertaking of this Company was purchased by the Council in 1900 and 1902.

including the rails and substructure and formation thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Council shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying into effect any such improvements.

Further provision as to construction of tramways.

8. In addition to the requirements of section 26 of the Tramways Act 1870 * the Council before they proceed to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Council shall not commence the construction laying down maintenance and renewal of any of the tramways or any part of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

Power to alter level of rails.

9. The Council may and shall from time to time alter and maintain the level of the rails of any part of the tramways so that they shall correspond with the level of the street wherein the tramways are laid.

10. [*As to the application and disposal of road materials excavated in construction of works. Spent.*]

Saving rights of access to sewers

11. Nothing in this Act shall limit the rights and powers of the vestry of Lambeth † with respect to free access to and communication with their sewers and drains and to lay lateral and private drains to communicate therewith without the consent or concurrence of the Council and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 * shall be applicable in the case of any sewer or private drain of or under the control of the vestry as if the same were a pipe for the supply of gas or water.

Further provisions as to maintenance of portion of roadway.

12. The obligations of the Council with respect to maintaining and keeping in good condition and repair the portion of the road defined in the Tramways Act 1870 * as to be kept in good condition and repair by the promoters shall extend to a distance of three feet beyond the lines of and on each side of the tramways instead of eighteen inches as provided by that Act.

Penalty for not maintaining rails and roads in good condition.

13. The Council shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways by this Act authorised and the substructure upon which the same rest and if the Council at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 * they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion

* See Appendix.

† Now the Council of the Metropolitan Borough of Lambeth. See 62 & 63 Vict. c. 14, s. 4.

thereof are or is situate or by twenty inhabitant ratepayers of such district that the Council have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 * the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Council to the penalty or penalties in respect thereof which is or are by this section imposed.

14. For any passenger travelling upon the tramways or any part thereof including every expense incidental to such conveyance the lessees or licencees of the Council or the Council as the case may be may charge any sum not exceeding one penny. Rates for passengers.

15. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof provided that such luggage be carried by hand and at the responsibility of the passenger and shall not occupy any part of the seat nor be of a form or description to annoy or inconvenience other passengers. Passengers' luggage.

16. The Council shall not nor shall any lessees or licencees of the Council carry on the tramways any goods animals or things other than passengers and passengers' luggage not exceeding the weight in this Act in that behalf mentioned and small parcels. Council not to carry animals or goods on tramways.

17. [*As to junctions with existing tramways. Spent.*]

18—19. [*For the protection of the South London Tramways and the London Tramways Companies. Spent. (See note on s. 4.)*]

20. [*Power to Council to borrow for the purposes of this Act. Superseded by the London County Council (Money) Acts 1897—1905.*]

21. The Council shall cause accounts to be kept of their receipts and expenditure in connexion with tramways to which all receipts arising from tramways shall be carried and out of which all payments in respect of tramways shall be made and if and so far as the tramway revenue shall be insufficient to cover the expenses of maintenance and management and of providing for the requisite payments to the consolidated loans fund in respect of money raised or expended for the purposes of tramways the deficiency shall be from time to time defrayed as payments for general or special county purposes as they may decide within the meaning of the Local Government Act 1888 and any balance of tramway revenue over expenditure shall at such times as the Council direct be carried to the general or special county account of the county fund. [*See 51 & 52 Vict. c. 41, s. 68.*] Annual receipts and expenditure.

22. All costs and expenses of the Council in the execution of this Act so far as not otherwise provided for shall be defrayed as payments for general or special county purposes as they may decide within the meaning of the Local Government Act 1888. . . . [*See note on 59 & 60 Vict. c. li. s. 19. Part omitted (expenses of obtaining Act) spent.*] As to costs and expenses.

* See Appendix.

CHAPTER CCXIV.

AN ACT TO REGULATE THE EXPENDITURE OF MONEY BY THE LONDON COUNTY COUNCIL ON CAPITAL ACCOUNT DURING THE CURRENT FINANCIAL PERIOD AND THE RAISING OF MONEY TO MEET SUCH EXPENDITURE. [7th August 1896.]

[Preamble.]

Short title. 1. This Act may be cited for all purposes as the London County Council (Money) Act 1896 and the London County Council (Money) Acts 1875 to 1895 and this Act may be cited together as the London County Council (Money) Acts 1875 to 1896.

Construction of Act. 2. This Act shall subject to the provisions thereof be read and have effect as one with the Metropolitan Board of Works (Loans) Acts 1869 to 1871 and the London County Council (Money) Acts 1875 to 1895 :

But all consolidated stock created by the Council shall be charged upon the county rate in substitution for the consolidated rate.

Interpretation. 3. In and for the purposes of this Act—
The expression “the Council” shall mean the London County Council ;

The expression “the financial year” shall mean the period from the first day of April one thousand eight hundred and ninety-six to the thirty-first day of March one thousand eight hundred and ninety-seven both dates inclusive ;

The expression “the following six months” shall mean the period from the first day of April one thousand eight hundred and ninety-seven to the thirtieth day of September one thousand eight hundred and ninety-seven both dates inclusive ;

The expression “the financial period” shall mean the financial year and the following six months.

[Part omitted (definition of “Main Drainage Acts”) spent.]

4—6. [Power to the Council during the financial period to expend money for sundry purposes. Spent.]

7. [Power to the Council during the financial period to lend to vestries, district boards, and other public bodies in London. Spent.—Provision as to repayment. Identical with such provision in 55 & 56 Vict. c. cxxxvii. s. 7.]

8. [Power to the Council during the financial period to lend to boards of guardians in London. Spent.—Provision as to repayment. Identical with such provision in 54 & 55 Vict. c. 62, s. 9.]

9. [Power to the Council during the financial period to lend to the Managers of the Metropolitan Asylum District. Spent.]

10. [Power to the Council during the financial period to lend to the School Board for London. Spent.—Provision as to repayment. Superseded by 2 Edw. 7, c. 42, s. 5 and 2nd Schedule ; and 3 Edw. 7, c. 24. See also the Public Works Loans Act 1905, s. 3. (See Appendix.)]

11. [Power to the Council during the financial period to lend to the Vestry of St. Pancras for purposes authorised by the St. Pancras Loans Amendment Act 1887. Spent.—Provision as to repayment. Identical with such provision in 54 & 55 Vict. c. 62, s. 12.]

12. [*Protection of the Council in case of certain loans. Identical with 54 & 55 Vict. c. 62, s. 13.*]

13. In order to raise the money for the several purposes for which the Council are by this Act authorised to expend or lend money the Council may from time to time create consolidated stock and the following provisions shall have effect :—

Power to raise consolidated stock.

(i.) Where the Council under the authority of this Act create consolidated stock to raise money to enable them to make a loan repayable within a period not exceeding thirty years from the date of such loan the Council shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve as being in their opinion sufficient to redeem within the period of thirty years from the date of the creation of such stock or within any less period for which any such loan may be made an amount of consolidated stock equal to that so created :

(ii.) Money borrowed from and lent by the Council under the provisions of this Act may be made repayable either in one sum or by instalments or by a series of equal annual or other instalments to include both principal and interest or otherwise as may be agreed between the Council and the borrowers :

(iii.) All sums received by the Council in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund :

(iv.) Where the Council create consolidated stock for the purpose of any scheme made by the Metropolitan Board of Works or the Council under the Housing of the Working Classes Act 1890 or any enactments repealed by that Act all money required for payment of dividends on and the redemption of all consolidated stock created for such purpose shall be charged to the special county account to which the expenditure for the purposes of the said Acts is chargeable :

(v.) Consolidated stock for the purposes of this Act may be created by the Council from time to time in such amounts and at such times only as the Council shall actually require for the said purposes respectively.

14. The Council may by a resolution passed before the issue of any consolidated stock created under this Act determine that such stock shall be issued upon the terms that the Council shall not be bound to redeem the same at any fixed date but the annual sum to be carried to the Consolidated Loans Fund under section 27 of the Metropolitan Board of Works (Loans) Act 1869 in respect of such stock shall where the money raised by the stock is not required to be repaid within a shorter period than sixty years be calculated on the same basis as if such stock had to be redeemed at par at the expiration of sixty years from the date of the issue thereof :

New redeemable consolidated stock.

All such stock shall be redeemable by and at the option of the Council at par in such sums and proportions and in such order and manner whether by drawings or otherwise as the Council may from time to time determine subject nevertheless to any terms and conditions expressed in any resolution for the creation or issue of such stock :

With regard to any such stock the Council may by a resolution

passed at any time and from time to time with the sanction of the Treasury determine that during any period not exceeding thirty years from the date of the resolution they will not exercise their option of redeeming the same :

Any prospectus issued by the Council inviting tenders for any such stock shall state in general terms—

(a.) The period at after or within which and the conditions upon which the option of the Council to redeem the same may be exercised ; and

(b.) The financial provision required by statute to be made by way of sinking fund in respect of such stock :

All stock created under the powers of this section shall notwithstanding anything contained in any other Act be called by some name to distinguish the same from metropolitan consolidated stock of any other description and shall rank equally with all consolidated stock created under the powers of any subsequent Act if the same be thereby declared to rank equally with consolidated stock created under the powers of this section.

Employment
of money
of Consoli-
dated Loans
Fund.

15.—(1.) Where the Council are by this Act authorised to raise money for any purpose on capital account or to make a loan they may instead of raising such money or any part thereof by the issue of consolidated stock (and with the approval of the Treasury) employ for that purpose any money for the time being standing to the capital account of the Consolidated Loans Fund and realise for that purpose any securities in which such money shall be at the time invested.

(2.) The employment by the Council of such money shall be deemed to be in substitution for the exercise of the powers of the Council under this Act of raising the amount of such money by means of the issue of consolidated stock.

(3.) No such money shall be so employed unless provision be made in such manner as the Treasury approve for replacing the same in the Consolidated Loans Fund at or before the date (if any) at which consolidated stock redeemable by means of such money is required to be redeemed and (as regards moneys accumulated in respect of consolidated stock which is not required to be redeemed at any fixed date) for so replacing the same within such period not exceeding sixty years from the date of the employment of such money as the Council with the consent of the Treasury may determine and not exceeding the period within which the money if borrowed would be repayable.

And in every case the Council shall in each year raise as part of the county rate such sum as the Treasury approve as being in their opinion a proper and sufficient contribution in respect of that year towards the replacement at or before the date or within the period aforesaid of the money employed for such purpose and for the payment of interest on the money so employed and such sums shall be carried by the Council to the Consolidated Loans Fund.

Investment
of money of
Consolidated
Loans Fund.

16. The power of the Council under section 15 of the London Council (Money) Act 1889 to temporarily invest any money for the time being standing to the capital account of the Consolidated Loans Fund in respect of stock which the Council are not required to redeem at any fixed date shall only extend to any period during which by any resolution the Council may have bound themselves not to exercise their option of redeeming such stock :

And if the Council at any time while they have any such money invested or available for investment require to expend money for any purpose on capital account or to make any loan under any statutory power which would otherwise involve the issue of additional stock they shall before issuing any more stock which they are not required to redeem at any fixed date employ subject to the provisions of the last preceding section such first-mentioned money and if need be realise for the purpose any securities in which that money is at the time invested.

17. [*Power to the Council after the issue of stock to apply money raised by stock to make up dividends from fixed dates. Spent.*]

18.—(1.) The Council may—

Conversion
of stock.

(a.) for the purpose of the purchase or redemption of consolidated stock issued before the passing of this Act raise money by the issue of consolidated stock; or

(b.) with the consent of the holder of consolidated stock issued before the passing of this Act convert it into another denomination of consolidated stock by issuing the latter stock in substitution for the stock formerly held by such holder (in this Act referred to as “converted stock”);

and may issue consolidated stock under this Act accordingly.

(2.) The Council may in the case of any conversion of stock make such reasonable payment as they think fit to the holder of such stock in connection with and for the purpose of effecting the conversion and any such payment may be either in money or stock or partly in the one and partly in the other. Any such payment in money may be made out of moneys raised by the issue of stock or subject to the provisions of this Act out of the Consolidated Loans Fund.

(3.) Where stock is issued for the purpose of raising money to purchase or redeem or convert stock the payments into the Consolidated Loans Fund shall be such as appear to the Council with the approval of the Treasury sufficient to provide for the redemption or extinction of the new stock within the remainder of the period for the redemption of the stock so purchased redeemed or converted and all stock so purchased redeemed or converted shall be forthwith cancelled.

(4.) Where the holder of any stock is one of the persons enabled by the Lands Clauses Consolidation Act 1845 to sell land under that Act he may consent to any conversion under this section as if he were the absolute owner of the stock in question and may accept money for such consent and he is hereby indemnified for giving such consent and his receipt shall be a good discharge.

(5.) Where any stock is converted under this section the new stock and the dividends thereon shall be subject to the same trusts charges rights distringas and restraints as affected the stock so converted and the dividends thereon respectively and all powers of attorney requests as to dividends and other documents relating to the stock so converted and the dividends thereon or either of them shall apply to the new stock and the dividends thereon respectively.

(6.) In any Act passed or instrument executed whether before or after the passing of this Act references to any stock liable to be converted in pursuance of this Act may if the stock is so converted be construed as references to the new stock and in the case of any

testamentary instrument whether executed before or after the passing of this Act any disposition which but for the passing of this Act would have operated as a specific or demonstrative bequest of any such stock shall if the same is so converted be construed as a specific or demonstrative bequest of such new stock and if the same is not so converted but is redeemed shall be construed as a pecuniary legacy of a sum of money equal to the redemption money of the stock so redeemed.

19. [*The limitation on the borrowing power of the Council contained in s. 38 of 32 & 33 Vict. c. 102 not to extend to money raised under this Act.*]

20. [*Limit to the exercise of borrowing powers by the Council during the financial period. Spent.*]

Incorporation
of sections
27 to 43 of
48 & 49 Vict.
c. 50.

21. Sections 27 to 43 of the Metropolitan Board of Works (Money) Act 1885 are incorporated with this Act and shall be applicable to all stock created under the powers of this Act.

22. [*As to raising money by "London County Bills." Rep. 60 & 61 Vict. c. cxx. s. 21.*]

Amendment
of Acts as
respects
duties of
Treasury.

23. The enactments specified in the third column of the Second Schedule to this Act shall as respects all stock issued after the passing of this Act have effect as if the consent sanction or approval of the Treasury or the counter-signature on behalf of the Treasury therein mentioned were not required.

As to pay-
ments under
this Act.

24. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (expenses of obtaining this Act) spent.*]

FIRST SCHEDULE. [*Particulars of purposes for which moneys may be raised under this Act, and of the sums authorised to be raised for such purposes. Spent.*]

THE SECOND SCHEDULE.

ENACTMENTS AMENDED.

Session and Chapter.	Short Title.	Enactments referred to.
32 & 33 Vict. c. 102.	Metropolitan Board of Works (Loans) Act 1869 .	Sections 4, 10, 17, 34, 39, and 41.
46 & 47 Vict. c. 27.	Metropolitan Board of Works (Money) Act 1883 .	* Sections 18, 19, and 22.
54 & 55 Vict. c. 62.	London County Council (Money) Act 1891	* Sections 16 and 17.

* Rep. 60 & 61 Vict. c. cxx. s. 21.

CHAPTER CCXLVII.

AN ACT TO MAKE PROVISION AS TO THE ADMISSION TO THE METROPOLITAN MAIN DRAINAGE SYSTEM OF SEWAGE FROM PART OF THE DISTRICT OF WILLESDEN IN THE COUNTY OF MIDDLESEX.

[14th August 1896.]

[Preamble recites (inter alia) provisions of 18 & 19 Vict. c. 120 with respect to the sewerage and drainage of the metropolis; and that by the said Act the Stamford Brook, the Counter's Creek Sewer, and the Ranelagh Sewer, as defined in Schedule D to the said Act, such last-mentioned sewer including the Bayswater Brook and other branches, were (inter alia) vested in the Metropolitan Board of Works; and recites the transfer under 51 & 52 Vict. c. 41 of the powers, properties, duties, and liabilities of the said Board to the London Council; and that the parish of Willesden comprises an area adjoining and on the north-western side of London which for drainage purposes is naturally divided into two portions by the summit level dividing the waters flowing towards the River Brent from the waters flowing by other channels to the River Thames; and that the Willesden Council, under the powers of the Public Health Act 1875, by resolution constituted part of their district (being that part the drainage of which naturally flows towards the River Brent) and the same now is a special drainage district generally known as "the Brent Drainage District"; and that for many years past the sewage and drainage from the parish of Willesden other than the Brent Drainage District has been discharged into the Ranelagh Sewer, the Stamford Brook, the Counter's Creek, and other sewers now vested in the London Council; and that differences have heretofore existed between the said Board and the local board of Willesden and have continued to exist between the London Council and the Willesden Council as to their legal rights in respect of the said sewerage and drainage.]

1. This Act may be cited as the Willesden Sewerage Act 1896. Short title.

2.—(1) *[Provisions for agreement as to or for ascertaining the boundary between the parts of Willesden draining towards the London Council's sewers and the Brent respectively by an engineer appointed by the Local Government Board on the application of either party. Spent.]*

(2) The boundary so agreed or ascertained shall be laid down upon duplicate Ordnance maps on a scale of not less than five feet to the mile and each such map shall be sealed by the respective councils or signed by the engineer to be appointed as aforesaid. One of the maps so sealed or signed shall be deposited with and kept in the custody of the clerk for the time being of the London Council and the other shall be deposited with and kept in the custody of the clerk for the time being of the Willesden Council.

(3) Provided always that the boundary shown upon the maps so deposited may at any time and from time to time be altered by agreement by the London Council and the Willesden Council and the altered boundary shall be shown either upon the maps so deposited as aforesaid or be laid down upon maps to be substituted therefor sealed by the respective councils and deposited and kept in like manner as the maps originally deposited. Any such altered boundary so shown shall be deemed to be for the time being the boundary between the Willesden metropolitan area and the Brent area.

(4) The duplicate maps for the time being sealed or signed and deposited as aforesaid are in this Act referred to as "the deposited maps."

(5) The Willesden Council shall not without the consent of the London Council permit or suffer any district or place except the Willesden metropolitan area to drain into or be connected with any sewer for the time being in the Willesden metropolitan area which may discharge into a sewer of the London Council and no such other district or place shall have any right to so drain or be so connected.

Definitions.

3. In and for the purposes of this Act—

“The Willesden metropolitan area” means that part of the parish of Willesden as shown for the time being upon the deposited maps which lies to the southward and eastward of the boundary laid down upon those maps ;

“The Brent area” means the remainder of the parish of Willesden ;

“The London Council” means the London County Council ;

“The Willesden Council” means the Willesden Urban District Council.

Admission of sewage from Willesden metropolitan area into sewers of the London Council.

4. Subject to the provisions of this Act the Willesden Council shall have the right to discharge sewage and drainage from the Willesden metropolitan area into the sewers of the London Council and the London Council shall permit such sewage and drainage to be so discharged and shall do all things necessary for securing and maintaining such openings into such sewers and such communications therewith from the sewers of the Willesden metropolitan area as may be requisite for that purpose and the London Council shall receive such sewage into the metropolitan main drainage system for disposal and treatment at their outfall works.

Payment by Willesden Council to London Council.

5. The Willesden Council shall pay to the London Council—

(A) An annual sum of three hundred and five pounds three shillings and fourpence for a period of thirty years the payments to be made half-yearly and the first of such half-yearly payments to be due and payable on the thirtieth day of September 1896 :

The sixty half-yearly payments so to be made represent the agreed equivalent of the amount which as from the first day of October 1894 up to the thirtieth day of September 1896 would have been payable to the London Council for the purposes of the expenditure incurred in respect of the metropolitan main drainage system if the Willesden metropolitan area had been liable to contribute to such expenditure equally with other parishes and places within the metropolitan main drainage system on the basis mentioned in the two next sub-sections :

(B) Such sum as shall from time to time be requisite to provide interest and sinking fund as from the first day of October 1896 in respect of such a proportion of the money borrowed by the Metropolitan Board of Works or the London Council before or after the passing of this Act for the purposes of and connected with the metropolitan main drainage system and for the time being undischarged as the rateable value from time to time of the property assessable to the poor rate within the Willesden metropolitan area bears to the rateable value from time to time of the property in the area liable to contribute to the London Council in respect of main drainage charges :

(c) Such additional sum as shall bear to the total annual cost of the management maintenance and working of the metropolitan main drainage system the same proportion as the rateable value from time to time of the property assessable to the poor rate within the Willesden metropolitan area bears to the rateable value from time to time of the property in the area liable to contribute to the London Council in respect of main drainage charges.

6. In case default be made in the payment of any of the half-yearly sums payable under this Act by the Willesden Council at the date when such sum will become due and payable the same shall be deemed to be a debt due from the Willesden Council to the London Council with interest at the rate of three per centum per annum from the date at which such payment became due.

Interest in case of default in payment.

7. [*Power to the Willesden Council to raise a special drainage rate.*]

8. The London Council shall by notice in writing as soon as reasonably practicable inform the Willesden Council of the amount of the contribution which will be required from the Willesden Council in respect of each half-year ending on the thirty-first day of March and the thirtieth day of September in every year and the Willesden Council shall on the date named in such notices respectively pay to the London Council the amount of the contribution in respect of that half-year as stated in the notice. In case of default of the Willesden Council to pay within six months from the date of receiving any such notice the amount of contribution stated therein the same shall be deemed a debt due from the Willesden Council to the London Council together with interest at three per centum per annum.

Notice of amount of half-yearly contributions.

9. Where any moneys due and payable under this Act to the London Council remain unpaid for a period of six months after notice in writing has been given as aforesaid then in addition to any other remedy in that behalf the London Council may appoint persons to levy on the Willesden metropolitan area the unpaid amount and those persons shall proceed in the like manner and have the like powers remedies and privileges and be subject to the like regulations with reference to the levying of such rate as any person duly appointed for that purpose by the Willesden Council should or would have proceeded had or been subject to.

Remedies in case of default.

10. . . . Provided always that nothing in this section contained shall alter or vary the amount from time to time payable to the London Council under this Act but such amount shall continue to be calculated only on the assessable value from time to time of the Willesden metropolitan area as herein-before in this Act provided. [*Part omitted (power to the Willesden Council to spread the special drainage rate over the whole parish).*]

As to spreading the special drainage rate by the Willesden Council over the whole parish.

11. The Willesden Council shall forthwith furnish to the London Council a properly certified copy of the valuation list in force within the Willesden metropolitan area on the 6th day of April 1896 for the purposes of the rate for the relief of the poor and shall also from time to time when required by the London Council but not oftener than once in every five years furnish to them a properly certified copy of the then current valuation list in force within the Willesden metropolitan area for the purposes of the rate for the relief of the poor and shall also furnish to them a copy of every addition to and alteration made in the said valuation list.

Valuation lists of district for poor rate to be furnished to London Council.

Power of
inspection
and entry.

12. It shall be lawful for the London Council at any time to enter upon and inspect any sewage works sewers and drains within the Willesden metropolitan area for the purpose of ascertaining whether any default in compliance with this Act is being committed and the London Council may for that purpose break up or open any street within the said area reinstating the same at their own expense as soon as may be after such inspection :

Provided always that before the London Council exercise any power of entry under this section they shall give to the Willesden Council notice of their intention to do so specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the opening of any street and such work shall be done at the expense of the London Council under the superintendence of the Willesden Council unless that Council refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the execution of such work and the London Council shall execute such work to the reasonable satisfaction of the engineer of the Willesden Council :

If any difference arise between the Council or their engineer and the Willesden Council or their engineer as to the reasonableness or otherwise of breaking up or opening such roads or touching the amount of any costs expenses or charges under the provisions of this Act to be paid by the London Council to the Willesden Council or touching any work matter or thing to be done or executed or proposed to be done or executed by the London Council or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon by the engineers of the two councils or failing agreement to be named by the President for the time being of the Institute of Civil Engineers and the decision of such engineer shall be final and binding and the expense of the reference shall be borne as he may direct.

Extending
provisions of
the London
County
Council
(General
Powers) Act
1894 as to
sewers.

13. The provisions of Part IV. of the London County Council (General Powers) Act 1894 "Protection of sewers" shall extend and apply as if for the purpose of those provisions the Willesden metropolitan area were within the administrative county of London and the Willesden Council were a vestry or district board of works.

As to pay-
ments under
this Act.

14. All costs and expenses of the London Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (expenses of obtaining Act) spent.*]

60 & 61 VICTORIA. A.D. 1897.

CHAPTER 14.

Power to
close metro-
politan police
courts on
Bank holi-
days.
34 & 35 Vict.
c. 17.
Short title.

AN ACT FOR ENABLING THE METROPOLITAN POLICE COURTS TO BE CLOSED ON SPECIAL BANK HOLIDAYS. [3rd June 1897.]

1. The Secretary of State may, by order, close the metropolitan police courts on any day appointed under section four of the Bank Holidays Act, 1871, to be observed as a Bank holiday.

2. This Act may be cited as the Metropolitan Police Courts (Holidays) Act, 1897, and may be cited with the Metropolitan Police Acts, 1829 to 1895.

CHAPTER 26.

AN ACT FOR TRANSFERRING THE EXPENSES OF POLICE COURTS TO THE METROPOLITAN POLICE FUND, AND FOR MAKING PROVISION WITH RESPECT TO THE COURTS OF THE STIPENDIARY MAGISTRATE OF CHATHAM AND SHEERNESS. [6th August 1897.]

1. The expenses of and incidental to the metropolitan police courts, except the salaries and superannuation allowances of the police magistrates, shall be paid out of the fund applicable for defraying the expenses of the metropolitan police (in this Act referred to as the Police Fund), and all moneys which at the passing of this Act are applicable for defraying the expenses of the metropolitan police courts shall be paid to the Metropolitan Police Fund.

Transfer to Metropolitan Police Fund of expenses and receipts of metropolitan police courts.

2.—(1.) The limit imposed by section nine of the Metropolitan Police Courts Act, 1839, on the salaries of the clerks in the metropolitan police courts is hereby repealed.

Power to alter salaries and fees.

(2.) The Secretary of State may, by order under his hand, fix a table of the fees to be taken in the metropolitan police courts; and any table so fixed shall take effect instead of the table contained in Schedule A. to the Metropolitan Police Courts Act, 1839.

2 & 3 Vict. c. 71.

3.—(1.) All property, real and personal, of or to which the Commissioners of Works are seised, possessed, or entitled, in trust for or for the purposes of any metropolitan police court in use at the passing of this Act, shall pass to and be vested in the Receiver for the Metropolitan Police District (in this Act referred to as the Receiver) for the same estate and interest and subject to the same covenants, conditions, agreements, and liabilities, for and subject to which the same were held by the Commissioners of Works, and the Commissioners of Works shall be discharged from such covenants, conditions, agreements, and liabilities.

Transfer of property from Commissioners of Works to Receiver.

(2.) Any building, structure, or work for the time being vested in the Receiver shall be exempt from so much of the provisions of the London Building Act, 1894, as relates to buildings and structures. [See also 57 & 58 Vict. c. cccxiii. s. 202.]

57 & 58 Vict. c. cccxiii.

4. The Receiver shall have the same powers with respect to land and buildings required for the purposes of the metropolitan police courts as he has with respect to land and buildings required for the purposes of the Metropolitan Police Force, and the provisions of the Metropolitan Police Act, 1886, and the Metropolitan Police Act, 1887, shall apply accordingly, and the limit fixed by those Acts on the borrowing powers of the Receiver shall, in order to enable him to borrow such money as may be required for the purposes of the metropolitan police courts, be raised to seven hundred thousand pounds.

Powers of Receiver with respect to land and buildings.

49 & 50 Vict. c. 22.
50 & 51 Vict. c. 45.

5.—(1.) The Metropolitan Police Staff (Superannuation) Acts, 1875 and 1885, shall apply to any superannuation allowance, compensation, gratuity, or other allowance payable to any person appointed after the passing of this Act to be a member of the staff of the metropolitan police courts, except the police magistrates.

Provision as to retiring allowances.
38 & 39 Vict. c. 28.
48 & 49 Vict. c. 68.

(2.) The superannuation allowances payable at the passing of this Act to persons who have been members of the staff of the metropolitan police courts, except as police magistrates, and the superannuation allowances payable hereafter to persons being, at the passing of this Act, members of that staff, except as aforesaid,

22 Vict. c. 26.

shall be paid out of the Police Fund, but shall continue to be payable in accordance with the provisions of the Superannuation Act, 1859, and the enactments amending the same.

Provisions as to fees and fines.
42 & 43 Vict. c. 58.
2 & 3 Vict. c. 71.

6. [As to Chatham and Sheerness Courts.]

7.—(1.) The Public Offices Fees Act, 1879, shall apply to all fees payable at the metropolitan police courts. . . .

(2.) The account of fees, penalties, and forfeitures, required by section forty-six of the Metropolitan Police Courts Act, 1839, shall be delivered at such times as the Secretary of State may by order direct.

(3.) Notwithstanding anything in this Act, or any repeal enacted by this Act, any fines which at the passing of this Act are payable by the Receiver into the Exchequer, and which, by the Act imposing them, are directed to be paid to the Crown, or to the Exchequer, shall continue to be paid by the Receiver into the Exchequer.
[Part omitted (as to Chatham and Sheerness Courts).]

Power to settle questions.

8. If any question arises as to what expenses are expenses of or incidental to any court within the meaning of this Act, the question may be determined by the Secretary of State, with the concurrence of the Treasury so far as the question affects the amount of any charge on the Exchequer.

Repeal of enactments in schedule.

9. The Acts specified in the schedule to this Act shall be repealed to the extent appearing in the third column of that schedule.

Commencement of Act.

10. This Act shall come into operation at such date as may be fixed by order of the Secretary of State notified in the London Gazette, and the Secretary of State may fix different dates for different provisions of this Act coming into operation.

Short title.

11. This Act may be cited as the Metropolitan Police Courts Act, 1897, and may be cited with the Metropolitan Police Acts, 1829 to 1895.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
2 & 3 Vict. c. 71.	The Metropolitan Police Courts Act, 1839.	So much of section nine as relates to the amount of the salaries of clerks and officers employed in the metropolitan police courts. In section forty-six, the words "once in every quarter of a year." In section forty-seven, the words "to Her Majesty or"
17 & 18 Vict. c. 91.	The Public Revenue and Consolidated Fund Charges Act, 1854.	So much of Schedule B. as relates to the expenses of the police courts of the metropolis, except the salaries of the police magistrates, and so much of section seven as relates to the portion of Schedule B. repealed by this Act.
34 & 35 Vict. c. 35.	The Metropolitan Police Court (Buildings) Act, 1871.	The whole Act.

[Part omitted is as to repeal of parts of the Chatham and Sheerness Stipendiary Magistrate Act 1867.]

CHAPTER 42.

AN ACT TO EXTEND THE POWERS OF THE RECEIVER FOR THE METROPOLITAN POLICE DISTRICT. [6th August 1897.]

1. For the purposes referred to in section three of the Metropolitan Police Act, 1886, as amended by section two of the Metropolitan Police Act, 1887, the Receiver for the Metropolitan Police District may, under and in accordance with those sections, borrow further sums not exceeding in the aggregate two hundred and fifty thousand pounds.

Extension of borrowing powers of Receiver. 49 & 50 Vict. c. 22. 50 & 51 Vict. c. 45.

2. This Act may be cited as the Metropolitan Police (Borrowing Powers) Act, 1897, and may be cited with the Metropolitan Police Acts, 1829 to 1895.

Short title.

CHAPTER I.

AN ACT TO CONFIRM A PROVISIONAL ORDER MADE BY ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE UNDER THE HOUSING OF THE WORKING CLASSES ACT 1890 RELATING TO LANDS IN THE PARISH OF ST. GEORGE THE MARTYR SOUTHWARK. [29th March 1897.]

[Preamble.]

1. The Order as set out in the schedule hereunto annexed is hereby confirmed.

Order in schedule confirmed.

2. This Act may be cited as the London (Borough Road Southwark) Provisional Order Confirmation Act 1897.

Short title.

SCHEDULE. [Provisional Order of the Home Secretary dated 30th November 1896, empowering the London County Council to put in force, for the purposes of Part III. of the Housing of the Working Classes Act 1890, the powers of the Lands Clauses Act with respect to the purchase and taking of land otherwise than by agreement with respect to a piece of vacant land containing 21,800 square feet abutting on the north side of the Borough Road. Spent.]

CHAPTER II.

AN ACT TO CONFIRM A PROVISIONAL ORDER MADE BY ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR IMPROVING AN AREA SITUATED IN THE PARISH OF ST. PANCRAS IN THE COUNTY OF LONDON. [29th March 1897.]

[Preamble.]

1. The Order set out in the schedule to this Act is hereby confirmed.

Order in schedule confirmed.

2. This Act may be cited as the London (Churchway St. Pancras) Provisional Order Confirmation Act 1897.

Short title.

SCHEDULE.

LONDON (CHURCHWAY ST. PANCRAS) IMPROVEMENT SCHEME 1895.

[Provisional Order of the Home Secretary dated 30th December 1896, confirming a scheme of the 16th October 1895, made by the London County Council under the Housing of the Working Classes Act 1890, for the improvement of an unhealthy area in the parish of St. Pancras. The Order recites that the number of persons of the working class to be displaced by the Scheme is estimated at 1,325. The Order requires the improvement area to be cleared, and the erection thereon of dwellings to

accommodate 580 persons of the working class, and provides that the lands constituting the improvement area, and not required to provide such accommodation, may be disposed of by the Council; and further provides for the widening, as shown by dark red lines on the plan No. 26A on the Order, of Churchway from Drummond Street to Grafton Place to a minimum width of 40 feet, and for Wellesley Street to be extended in width to 40 feet between Seymour Street and the new Churchway, and that Churchway from Grafton Place to the Euston Road be stopped up and form part of the improvement area. The second schedule to the Scheme contains a copy of an agreement of 15th October 1895, made between the Council and Lady Henry Somerset, the tenant for life of certain hereditaments within the said area co-operating with the Council in the improvement thereof. *Spent.*]

CHAPTER LIX.

* AN ACT TO CONFIRM A PROVISIONAL ORDER MADE BY ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR IMPROVING AN AREA SITUATED IN THE PARISHES OF ST. MARY-LE-STRAND, ST. CLEMENT DANES ST. GILES-IN-THE-FIELDS AND ST. MARTIN-IN-THE-FIELDS IN THE COUNTY OF LONDON. [3rd June 1897.]

[Preamble.]

1. The Order set out in the schedule to this Act is hereby confirmed.

2. Notwithstanding the inclusion of Stanhope Street and Drury Lane within the improvement area nothing in this Act or the Order confirmed by this Act shall authorise the Council to stop up either of the said streets or affect any rights with regard thereto vested in the Metropolitan Electric Supply Company Limited at the passing of this Act nor shall any pipes or other works of that Company in either of the said streets vest in the Council under section twenty-two of the Housing of the Working Classes Act 1890. . . . [Part omitted (as to any alteration of Company's pipes, etc., for widening Drury Lane) spent.]

3. This Act may be cited as the London (Clare Market Strand) Provisional Order Confirmation Act 1897.

SCHEDULE

LONDON (CLARE MARKET STRAND) IMPROVEMENT SCHEME, 1895.

[Provisional Order of the Home Secretary dated 20th January 1897, confirming a Scheme of the 16th October 1895, made by the London County Council under the Housing of the Working Classes Act 1890, for the improvement of an unhealthy area in the parishes of St. Mary-le-Strand, St. Clement Danes, St. Giles-in-the-Fields, and St. Martin-in-the-Fields. The Order recites that the number of persons of the working class to be displaced by the Scheme is estimated at 3,172. The Order requires the improvement area defined on plan 27C, deposited at the Home Office, to be cleared, and the erection thereon of dwellings to accommodate 750 persons of the working class, and accommodation to be provided on the part of the site of the Millbank Penitentiary† defined on plan 27B so deposited for 1,500 such persons. The Order also requires the widening of Drury Lane, Blackmoor Street, and Clare Street to 40 feet each, as shown on the said plan 27C. *Spent.*]

* See 62 & 63 Vict. c. cclxvi. s. 59.

† See 58 & 59 Vict. c. cxxvii. s. 6.

Order in
schedule
confirmed.

For pro-
tection of
Metropolitan
Electric
Supply
Company
Limited.

35 & 54 Vict.
c. 70.

Short title.

CHAPTER CLXV.

AN ACT TO CONFIRM A PROVISIONAL ORDER MADE BY ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE UNDER THE HOUSING OF THE WORKING CLASSES ACT 1890 RELATING TO LANDS IN GREEN STREET IN THE PARISH OF ST. GEORGE THE MARTYR SOUTHWARK. [6th August 1897.]

[Preamble recites 53 & 54 Vict. c. 70.]

1. The Order as set out in the schedule hereunto annexed is hereby confirmed. Order in
schedule
confirmed.
2. This Act may be cited as the London (Green Street Southwark) Provisional Order Confirmation Act 1897. Short title.

SCHEDULE. [Provisional Order of the Home Secretary dated 10th June 1897, made under ss. 175 and 176 of the Public Health Act 1875 as applied by s. 57 of the Housing of the Working Classes Act 1890, empowering the London County Council to put in force, for the purposes of Part III. of the said Act of 1890, the powers of the Lands Clauses Acts with respect to the taking of lands otherwise than by agreement, with respect to a piece of land in Green Street, St. George the Martyr, Southwark, containing 9,000 square feet, or thereabouts, and delineated and coloured red upon the plan deposited in the Home Office. Spent.]

CHAPTER CCXX.

AN ACT TO REGULATE THE EXPENDITURE OF MONEY BY THE LONDON COUNTY COUNCIL ON CAPITAL ACCOUNT DURING THE CURRENT FINANCIAL PERIOD AND THE RAISING OF MONEY TO MEET SUCH EXPENDITURE. [6th August 1897.]

[Preamble.]

1. This Act may be cited for all purposes as the London County Council (Money) Act 1897 and the London County Council (Money) Acts 1875 to 1896 and this Act may be cited together as the London County Council (Money) Acts 1875 to 1897. Short title.
2. This Act shall subject to the provisions thereof be read and have effect as one with the Metropolitan Board of Works (Loans) Acts 1869 to 1871 and the London County Council (Money) Acts 1875 to 1896 : Construction
of Act.
3. In and for the purposes of this Act—
The expression “the Council” shall mean the London County Council : Interpreta-
tion.

The expression “the financial year” shall mean the period from the first day of April one thousand eight hundred and ninety-seven to the thirty-first day of March one thousand eight hundred and ninety-eight both dates inclusive :

The expression “the following six months” shall mean the period from the first day of April one thousand eight hundred and ninety-eight to the thirtieth day of September one thousand eight hundred and ninety-eight both dates inclusive ;

The expression “the financial period” shall mean the financial year and the following six months.

[Part omitted (definition of “Main Drainage Acts”) spent.]

4—6. [Power to the Council during the financial period to expend money for sundry purposes. *Spent.*]

7. [Power to the Council during the financial period to lend to vestries, district boards, and other public bodies in London. *Spent.*—Provision as to repayment. Identical with such provision in 55 & 56 Vict. c. cccxxvii. s. 7.]

8. [Power to the Council during the financial period to lend to boards of guardians in London. *Spent.*—Provision as to repayment. Identical with such provision in 54 & 55 Vict. c. 62, s. 9.]

9. [Power to the Council during the financial period to lend to the Managers of the Metropolitan Asylum District. *Spent.*]

10. [Power to the Council during the financial period to lend to the School Board for London. *Spent.*—Provision as to repayment. Superseded by 2 Edw. 7, c. 42, s. 5, and 2nd Schedule; and 3 Edw. 7, c. 24. See also the Public Works Loans Act 1905, s. 3. (See *Appendix.*)]

11. [Protection of the Council in case of certain loans. Identical with 54 & 55 Vict. c. 62, s. 13.]

12. [Power to the Council to raise consolidated stock. Identical with 59 & 60 Vict. c. ccciv. s. 13.]

New
redeemable
consolidated
stock.

13. All stock created under the powers of this section shall form part of and rank equally with the consolidated stock created under the powers of section 14 of the London County Council (Money) Act 1896 and shall also rank equally with all consolidated stock created under the powers of any subsequent Act if the same be thereby declared to rank equally with consolidated stock created under the powers of this section and the said section 14. [Part omitted identical with 59 & 60 Vict. c. ccciv. s. 14 down to the words “in respect of such stock.”]

14. [As to the employment of money of Consolidated Loans Fund. Identical with 59 & 60 Vict. c. ccciv. s. 15.]

15. [As to the investment of money of Consolidated Loans Fund. Identical with 59 & 60 Vict. c. ccciv. s. 16.]

16. [Power to the Council after the issue of stock to apply money raised by stock to make up dividends from fixed duties. *Spent.*]

17. [Conversion of stock. Identical with 59 & 60 Vict. c. ccciv. s. 18.]

18. [The limitation on the borrowing power of the Council contained in s. 38 of 32 & 33 Vict. c. 102 not to extend to money raised under this Act.]

19. [Limit to the exercise of borrowing powers by the Council during the financial year. *Spent.*]

20. [Incorporation of ss. 27—43 of 48 & 49 Vict. c. 50. Identical with 59 & 60 Vict. c. ccciv. s. 21.]

Provisions
as to raising
money by
bills.

21. The following enactments viz. :—

Sections 15 to 22 of the Metropolitan Board of Works (Money) Act 1883 relative to Metropolitan Bills;

Sections 16 to 20 of the London County Council (Money) Act 1891 with respect to Metropolitan Bills

(so far as they may be operative at the passing of this Act); and

Section 22 (Raising Money by Bills) of the London County Council (Money) Act 1896 are hereby repealed and instead thereof be it enacted as follows :—

Instead of raising for any purposes by the creation and issue of stock money which they are authorised to raise by that method the Council may raise for those purposes such money by means of Bills subject to and in accordance with the following provisions :—

- (1) Bills issued by the Council shall be called "London County Bills" :
- (2) A London County Bill shall be a bill in the form prescribed by regulations made in pursuance of this Act for the payment of the sum named therein in the manner and at the date therein mentioned so that the date be not less than three or more than twelve months from the date of the bill :
- (3) Such bills may be offered for purchase by tender in such manner on such conditions and after public advertisement in such manner as the Council determine :
- (4) The bills shall be issued under the authority of a warrant sealed by the Council :
- (5) Each bill shall be for the amount directed by the Council :
- (6) Each bill shall bear an engraved copy of the seal of the Council and of the signature of the clerk of the Council :
- (7) The Council may from time to time make regulations with respect to bills subject to and in accordance with this Act. Such regulations may provide—
 - (a) for regulating the preparation form mode of issue mode of payment and cancellation of bills ;
 - (b) for regulating the issue of a new bill in lieu of one defaced lost or destroyed ;
 - (c) for preventing by the use of counterfoils or of a special description of paper or otherwise fraud in relation to bills ;
 - (d) for the proper discharge to be given upon the payment of a bill :
- (8) The Council may enter into such arrangements with any bank for carrying into effect the provisions of this Act with respect to the issue of bills and to the payment of the principal sum named therein and to all matters relating thereto and for the proper remuneration of such bank with reference thereto as they may think proper. Such remuneration shall be paid out of the county fund :
- (9) The amount of money received by the Council in respect of a bill shall be deemed to be principal money raised by means of such bill and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised and shall be paid out of the Consolidated Loans Fund :
- (10) The aggregate amount payable on bills current at any one time shall not exceed the sum of one million pounds except by the amount payable on bills issued shortly before any other bills fall due in order to pay off those bills :

- (11) The Council may subject to the provisions of the preceding sub-section renew bills at maturity provided that if at the expiration of any financial year there are any bills outstanding the principal money raised by such bills shall be regarded as part of the capital debt of the Council and the Council shall raise as part of the county rate and pay into the Consolidated Loans Fund the same sums for repayment of such principal money as they would have done if stock of the same amount had been issued :
- (12) Money raised by the issue of London County Bills shall be paid to the Council and shall be employed by them for purposes for which they may at the time have statutory authority to expend money on capital account or to make loans :
- (13) For the repayment of the principal money raised by London County Bills the Council may raise money by the creation of stock or issue of bills but save as aforesaid the powers given to the Council to raise moneys by the creation of stock shall be suspended to the extent to which moneys have been raised by the issue of London County Bills :
- (14) Where any stock is issued in order to raise money for the purpose of paying off bills the payments into the Consolidated Loans Fund in respect of that stock shall be such as in the opinion of the Council with the approval of the Treasury are sufficient to provide for the redemption or extinction of the stock within the remainder of the period within which the moneys originally raised by the bills were repayable :
- (15) A London County Bill shall entitle the holder to payment at maturity out of the county fund of the sum expressed in such bill to be payable and such payment shall be a charge on the county rate.

As to
forgery etc.
of London
County
Bills.

22. Sections 8 9 10 and 11 of the Act of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty chapter 98 * intituled " An Act to consolidate and amend the Statute Law of England and Ireland relating to indictable offences by forgery " (which sections relate to the forgery of and other frauds relating to Exchequer Bills) shall apply to London County Bills and shall have effect as if " Exchequer Bill " in those sections included " London County Bill."

Fees on
stock certi-
ficates to
bearer.

23. The Council may remit or impose any fee for the conversion of stock or scrip into certificates to bearer as they may from time to time think fit.

As to pay-
ments under
this Act.

24. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888.
... [Part omitted (expenses of obtaining this Act) spent.]

SCHEDULE. [*Particulars of purposes for which moneys may be raised under this Act, and of the sums authorised to be raised for such purposes. Spent.*]

* See Appendix.

CHAPTER CCXXIV.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO MAKE A
SUBWAY UNDER THE RIVER THAMES BETWEEN GREENWICH AND
MILLWALL AND FOR OTHER PURPOSES CONNECTED THEREWITH.

[6th August 1897.]

[Preamble.]

1. This Act may be cited as the Thames Tunnel (Greenwich Short title.
to Millwall) Act 1897.

2. In this Act the following words and expressions have the Interpreta-
several meanings hereby assigned to them unless there be something tion.
in the subject or context repugnant to such construction (that is to
say):—

“The Council” means the London County Council;

“Street” has the meaning assigned to that term in the Metropolis
Management Acts 1855 to 1893.

[Part omitted (as to the meaning of words in Lands Clauses Acts
incorporated, and as to the meaning of “superior courts” and “court
of competent jurisdiction” in this Act and in the incorporated Acts)
spent.]

3. [Incorporation of the Lands Clauses Acts. Spent.]

4. Subject to the provisions of this Act the Council may in the Power to
make
subway.
line and situation shown on the deposited plans and according to
the levels shown on the deposited sections make and maintain the
subway or tunnel herein-after described namely:—

A subway or tunnel (herein-after referred to as “the subway”)
under the River Thames commencing in the parish of Green-
wich at or near Brewhouse Lane and terminating in the
parish of All Saints Poplar at or near the western boundary
of the Island Gardens Poplar:

Together with all roads approaches sewers and subways as may be
necessary or convenient and lifts stairs passages or other means of
ingress or egress as may be found convenient for accommodating
the passengers using the subway.

5. [Power to the Council to take the lands shown on the deposited
plans. Spent.]

6. The Council shall maintain and light the subway and the As to main-
tenance of
approaches
etc.
approaches to the subway shall when and so soon as the same have
been completed and opened for public use become repairable and
thereafter shall be repaired maintained and lighted by the road
authority within whose district the same shall be situate and the
Council may enter into and carry into effect any agreement with
any other body or person with respect to lighting the subway.

7. It shall not be lawful for any company or person to break Prohibiting
interference
with subway.
up or interfere with any part of the subway unless and until such
company or person shall have obtained the consent of the Council
thereto and the Council may as consideration for granting any
such licence impose such conditions and restrictions as they may
think fit.

8—11. [As to errors and omissions in plans—Power to the Council
to enter and survey property to be taken—As to arbitration, and
taking parts only of certain properties. Spent.]

Council may
take ease-
ments for
repair of
subway.

12. The Council may purchase and take an easement or right of making maintaining renewing and repairing the subway and works by this Act authorised or any part thereof beneath the surface of the land in which they will be situate without being required to purchase and take the said land or any part thereof.

13. [*As to acquisition of easements by agreement. Semble spent.*]

Council
empowered
or may be
required to
underpin or
otherwise
strengthen
houses near
subway.

14. If in the execution and maintenance of any works authorised by this Act it shall be necessary in order to avoid injury to the houses and buildings within one hundred feet of any part of the subway to underpin or otherwise strengthen the same the Council at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

- (1) At least ten days notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Each such notice if given by the Council shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners and lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Council :
- (3) If any owner lessee or occupier of any such house or building or the Council as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the President for the time being of the Institution of Civil Engineers :
- (4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Council may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The cost of the reference shall be in the discretion of the referee :
- (6) The Council shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :
- (7) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Council such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Council then and in every such

case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Council shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

- (8) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Council from the liability to compensate under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 or under any other Act:
- (9) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts:
- (10) Nothing in this section shall repeal or affect the application of the ninety-second section of the Lands Clauses Consolidation Act 1845.

15. [*Power to the Council to deciate. Spent.*]

16. Subject to the provisions of this Act the Council may for the purposes of any of the works authorised by this Act alter and interfere with the bed and foreshore of the River Thames and place and maintain caissons cofferdams piles staging pontoons and other works in the channel and waterway thereof for the purpose of constructing or repairing the said works.

Power to
make works
in River
Thames.

17—18. [*Certain subsidiary works to be sanctioned by the Thames Conservators—For the protection of the Thames Conservators. Semble spent.*]

19. [*Power to the Council to make subsidiary works, to stop up streets, etc., and to alter drains or sewers on providing proper substitutes—Vesting the soil of streets, etc., stopped up and of altered drains and sewers in the Council, and substituted sewers and drains to be under the same management as existing sewers and drains.*]

20. [*Power to the Council to fill up sewers and drains—Substituted sewers and drains to be provided, and when made to be under the same management as existing sewers and drains.*]

21—22. [*Periods for compulsory purchase of land and for the completion of the works limited to 3 and 7 years respectively. Spent.*]

23. When and as soon as the subway and the approaches thereto are completed a certificate of completion shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate the subway and approaches thereto shall be open for public use.

Evidence of
completion
of work.

24. [*Power to the Council to sell materials. Spent.*]

25. The Council may let either from year to year or for a less period or for a term at rackrent or exchange or otherwise dispose of any building or lands or any part thereof acquired by them under the powers of this Act and not required for the purposes of the subway and works by this Act authorised and may execute and do any deed act or thing requisite or proper for effectuating any such lease exchange or other disposition.

Council may
let or ex-
change lands.

26. [*Receipts of the Council to be effectual discharges. Identical with 54 & 55 Vict. c. ccvi. s. 33.*]

27. [*As to the rehousing of labouring-class persons displaced. Spent.*]

Byelaws.

28. The Council may make and enforce byelaws and regulations for the control of the subway and of persons resorting to or using the same and for the management and direction of traffic therein and the Council shall be entitled to fix penalties not exceeding forty shillings for the breach of those byelaws or any of them. Such byelaws shall be subject to the provisions of the Metropolis Management Act 1855 respecting the making contents confirmation approval and evidence of byelaws and of proceedings before Justices and recovery of penalties thereunder and byelaws under this Act shall be deemed byelaws within the Metropolis Management Acts 1855 to 1893. [*See 18 & 19 Vict. c. 120, ss. 202 and 203; and 63 & 64 Vict. c. cclxviii. s. 25.*]

29—32. [*As to compensation to workmen injured during the construction of the works—For the protection of the owners of Greenwich Pier,* the London & Blackwall and Great Eastern Railway Companies. As to compensation to certain watermen and lightermen (varied by 61 & 62 Vict. c. ccxxi. s. 64). Spent.*]

33. [*Saving the rights of the Crown.*]

34. [*Power to the Council to borrow for the purposes of this Act. See also 61 & 62 Vict. c. ccxxi. s. 63. Superseded by the London County Council Money Acts 1898—1905.*]

As to payments under this Act.

35. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (expenses of obtaining Act) spent.*]

CHAPTER CCXLII.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO MAKE A NEW STREET AND STREET IMPROVEMENTS IN THE ADMINISTRATIVE COUNTY OF LONDON. [6th August 1897.]

[*Preamble.*]

PART I.—INTRODUCTORY.

Short title.

1. This Act may be cited as the London County Council (Improvements) Act 1897.

Interpretation.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

“The Council” means the London County Council;

“The improvements” means the improvements and works by this Act authorised;

“Street” has the meaning assigned to that term in the Metropolis Management Acts 1855 to 1893.

[*Part omitted (as to meaning of certain words in the Lands Clauses*

* The undertaking of the Greenwich Pier Company was purchased by the Council under 4 Edw. 7, c. cciii. s. 12.

Acts incorporated, and of "superior court" and "court of competent jurisdiction" in this Act and in the incorporated Acts) spent.]

3. [*Incorporation of the Lands Clauses Acts. Spent.*]

PART II.—IMPROVEMENTS.

4. Subject to the provisions of this Act in the lines or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the Council may execute the works herein-after described viz. :—

(1) A new street in the parishes of Saint Mary Whitechapel Saint Botolph Without Aldgate Saint Botolph Aldgate in the city of London and the district of the Tower commencing at the junction of Great Prescott Street with Mansell Street and terminating in Little Tower Hill and Upper East Smithfield opposite the northern end of the Tower Bridge approach :

Power to Council to make works.

New Street (Tower Bridge northern approach).

(2) A widening of the Strand in the parishes of Saint Mary-le-Strand and Saint Clement Danes commencing at the eastern end of the churchyard of the church of Saint Mary-le-Strand and terminating at the western end of the churchyard of the church of Saint Clement Danes :

Strand improvement.

And in connexion therewith the Council may take the lands with the houses and buildings thereon situate between the said two churches on the west and east respectively and Holywell Street and the Strand on the north and south respectively and may remove the said houses and buildings and throw the site thereof into the widened thoroughfare of the Strand :

(3) A widening of Tottenham Court Road in the parishes of Saint Pancras Saint Giles-in-the-Fields and Saint Marylebone commencing at the junction of Tottenham Court Road and Oxford Street and terminating at the northern end of Boziers Court :

Tottenham Court Road widening.

And in connexion therewith the Council may take the lands with the houses and buildings thereon situate between Oxford Street and the northern end of the buildings on the east side of Boziers Court and may remove the said buildings and throw the site thereof into the widened thoroughfare of Tottenham Court Road.

5. [*As to the alteration and reconstruction of the bridges carrying the railways of the London & North Western, Great Eastern, Great Northern, and the Midland Railway Companies over Little Prescott Street. Spent.*]

6—14. [*Power to the Council to take lands—As to acquisition of easements—Errors and omissions in plans—Power to the Council to enter and survey property to be taken—Costs of arbitration—As to compensation in case of recently altered buildings—Power to stop up ways during works, to raise and lower streets, and to deviate. Spent.*]

15. [*Power to the Council to make subsidiary works and to stop up streets and appropriate the sites thereof, to alter and interfere with drains and sewers on providing proper substitutes—Vesting the soil of streets, etc., stopped up and of altered drains and sewers in the Council—Substituted sewers and drains to be under the same management as existing sewers and drains.*]

16—19. [*For the protection of the Duke of Norfolk—As to the alteration of water, gas, and other pipes—For the protection of the Gas Light & Coke Company—Laying out of carriageways. Spent.*]

20. [*As to laying of pavements and vesting the repair of the same when laid in the authority in whom the repair of the street is vested, or in other parties liable to repair the same.*]

21. [*Power to the Council to fill up sewers and drains—Substituted sewers and drains to be provided, and when made to be under the same management as existing sewers and drains.*]

22. [*Power to alter steps, areas, pipes, etc. Spent.*]

For protection of London and North Western Railway Company.

23. In carrying out the construction of the new street opposite the northern end of the Tower Bridge by this Act authorised and in the alteration and reconstruction in connexion therewith of the bridge carrying the railway of the London and North Western Railway Company (herein-after called "the North Western Company") over Little Prescott Street the following provisions for the protection of the North Western Company shall apply and have effect:—

(7) The said bridge carrying the railway of the North Western Company over Little Prescott Street when altered and reconstructed in accordance with the provisions of this section shall be thereafter maintained by that company :

(8) The works of the Council under this Act shall be so constructed as not to impede or in any way interfere with any future widening or widenings of the North Western Railway and the Council shall not oppose (except for protective clauses) any application on the part of the North Western Company to Parliament for powers to widen their railway and works over the new street.

[*Parts omitted (provisions relating to the construction of works) spent.*]

24. [*For the protection of the Great Northern Railway Company. Spent.*]

For protection of London and Blackwall and Great Eastern Railway Companies.

25. [*Recital of the leasing for 999 years of the Blackwall Railway to the Great Eastern Railway Company (in this section called the Great Eastern Company) by the London & Blackwall Railway Lease Act 1865.*] The following provisions for the protection of the Blackwall Company and the Great Eastern Company shall (unless otherwise agreed in writing between the Council and the Great Eastern Company) be observed and have effect (that is to say) :—

(c) The works of the Council under this Act shall be so constructed as not to impede or in any way interfere with any future widening or widenings of the lines of the Blackwall Railway and the Council shall not oppose (except for protective clauses) any application on the part of either the Blackwall Company or the Great Eastern Company or both Companies jointly to Parliament for powers to widen the Blackwall Railway on at or near the site of the new street :

(g) If it shall at any time appear to the principal engineer* that any further or other works or appliances are required to

* *i.e.* the principal engineer for the time being of the Great Eastern Railway Company.

prevent injury happening to the Blackwall Railway owing to or in consequence of the new street and the works connected therewith being constructed or having been constructed under or through the same the Council shall at their expense immediately on being required so to do in writing under the hand of the principal engineer execute such works and do such things as may be reasonably required by the principal engineer :

(h) All girders and arches by which the Blackwall Railway is carried over the new street and the abutments and walls upon which the same rest shall when completed to the satisfaction of the principal engineer vest in and become the absolute property of the Blackwall Company and be deemed to be part of the Blackwall Railway leased to the Great Eastern Company as aforesaid, but the Council shall from time to time and at all times after the vesting pay to the Great Eastern Company one-third part of the cost of maintaining repairing painting and renewing the same to be certified from time to time by the principal engineer whose certificate shall be final and conclusive :

(l) The reasonable expenses incurred by the Blackwall and Great Eastern Companies or either of them with reference to the examination of plans and superintendence of works and the mode in which the same are carried out as also the costs charges and expenses incurred and payments made by the principal engineer by the appointment of such assistants inspectors and watchmen as he may consider reasonably necessary to employ for the purpose of inspecting and watching the Blackwall Railway during the construction repair or renewal of the new street and works and all expenses incidental thereto certified by the principal engineer to have been incurred shall from time to time be borne and paid by the Council and may be recovered from them in any court of competent jurisdiction :

(m) The road or passage forming part of the property so numbered 17 and leading from Goodman's Yard to and past the goods depôt aforesaid into Little Prescott Street shall be kept open and unenclosed at either end thereof and where the said road or passage will join the new street no footpath shall be made in front of the said road or passage but the roadway of the new street shall be made to communicate with and upon the same level as the said road or passage to the satisfaction of the principal engineer.

[Parts omitted (provisions relating to the construction of works) spent.]

26—30. [For the protection of the London, Tilbury & Southend and of the Midland Railway Companies, the Royal Mint, and the Opera Comique Theatre—Period for the compulsory purchase of land limited to 3 years, but extended till 6th August 1903 by 63 & 64 Vict. c. cclxviii. s. 23. Spent.]

31. [*Period for the completion of works limited to 5 years, but extended till 6th August 1904 by 2 Edw. 7, c. clxxiii. s. 39, and till 6th August 1907 by 4 Edw. 7, c. cexliv. s. 32.*]

32. [*The improvements to become public streets, and as to the repair thereof. Identical with 55 & 56 Vict. c. cexxxviii. s. 24.*]

33. [*Power to the Council to sell materials. Spent.*]

34—35. [*Power to the Council to lease surplus lands, and to sell ground rents. Identical with 54 & 55 Vict. c. ccvi. ss. 28—29.*]

36. [*Power to the Council to sell lands without leasing. Identical with 57 & 58 Vict. c. clxxxv. s. 30.*]

37—40. [*Power to the Council to let or exchange lands, to dispose of lands not wanted—Receipts of the Council to be effectual discharges—Power to the Council to make agreements with owners of property. Identical with 54 & 55 Vict. c. ccvi. ss. 31—34.*]

41. [*As to rehousing labouring-class persons displaced. Spent.*]

PART III.—IMPROVEMENT AREA AND CHARGE.

Improve-
ment charge.

42. And whereas the improvements will or may substantially and permanently increase in value lands in the neighbourhood of the improvements which will not be acquired for the purpose thereof and it is reasonable that provision should be made under which in respect or in consideration of such increased value a charge should be placed on such lands Therefore the following provisions shall have effect viz. :—

Definitions
in this part
of this Act.

(1) In and for the purposes of this part of this Act the expression—
“The improvement area” means—

- (a) in the case of the new street (Tower Bridge northern approach) by this Act authorised the lands comprised within the dotted line marked on the deposited plans relating thereto “Line drawn at a uniform distance from the centre line of the widened thoroughfare”;
- (b) in the case of the Strand improvement the lands all or any part of which front or abut upon the northern side of Holywell Street;
- (c) in the case of the Tottenham Court Road widening the lands all or any part of which front or abut upon the west side of Tottenham Court Road and Bozier’s Court between Oxford Street and Hanway Street;

“The improvement” means each of the improvements respectively.

[*The remainder of this section is to the same effect as, and almost in identical words with s. 36 of 58 & 59 Vict. c. cxxx. from the definition of the word “Owner” therein to the end of the section.*]

43—44. [*Exemption of Crown lands and of lines of railway companies from liability to any improvement charge.*]

45. [*Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council Money Acts 1898—1905.*]

46. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [Part omitted (*expenses of obtaining Act*) spent.]

As to payments under this Act.

CHAPTER CCLII.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO MAKE CERTAIN STREET IMPROVEMENTS AND TO PURCHASE LANDS FOR VARIOUS PURPOSES TO MAKE PROVISION FOR CONTRIBUTIONS IN CERTAIN CASES BY LOCAL AUTHORITIES AND AS TO THE ADMISSION OF SEWAGE INTO THE METROPOLITAN MAIN DRAINAGE SYSTEM FROM A PORTION OF EAST HAM IN THE COUNTY OF ESSEX AND FOR OTHER PURPOSES. [6th August 1897.]

[Preamble.]

PART I.—INTRODUCTORY.

1. This Act may be cited as the London County Council (General Powers) Act 1897. Short title.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):— Interpretation.

“The Council” or “the London Council” means the London County Council;

“The East Ham Council” means the urban district council of East Ham* in the county of Essex;

“The East Ham district” means the district of the East Ham Council;

“Improvements” means the new street and street widenings by this Act authorised;

“Street” has the meaning assigned to that term in the Metropolitan Management Acts 1855 to 1893.

[Part omitted (*as to meaning of certain words in the Lands Clauses Acts incorporated, and of “superior courts” and “court of competent jurisdiction” in this Act and in the incorporated Acts*) spent.]

3. [Incorporation of Lands Clauses Acts. Spent.]

PART II.—IMPROVEMENTS ETC.

4. Subject to the provisions of this Act the Council in the line and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections may make the new street and street improvements hereafter described viz.:— New street and street improvements.

NEW STREET IN SOUTHWARK—

(1) They may make a new street in the parish of Saint George-the-Martyr Southwark commencing in High Street north

* Now the Municipal Borough of East Ham.

of the church of Saint George-the-Martyr Southwark passing through the churchyard of the church of Saint George-the-Martyr and terminating at a point in Long Lane opposite the end of Tabard Street :

LONG LANE WIDENING—

(2) They may widen Long Lane—

- (a) On the south side in the parishes of Saint Mary Newington Saint George-the-Martyr Southwark and Saint Mary Magdalen Bermondsey between Southall Place and Great Dover Street ; and
- (b) On the north side from the south-east corner of the church of Saint George-the-Martyr Southwark to a point four chains or thereabouts eastward of the said church :

BATTERSEA PARK ROAD WIDENING—

(3) They may widen Battersea Park Road in the parish of Saint Mary Battersea—

- (a) On the north-west side thereof from the junction therewith of Home Road to the junction therewith of Simpson Street ; and
- (b) On the south-east side thereof from the junction therewith of Candahar Road to the junction therewith of Abercrombie Street :

HOLLOWAY ROAD WIDENING—

(4) They may widen Holloway Road in the parish of Saint Mary Islington on the north-east side thereof between Saint John's Villas and Elthorne Road :

WIDENING OF OLD STREET AND GOSWELL ROAD—

(5) A widening of Old Street and Goswell Road in the parishes of Saint Luke and Saint James and Saint John Clerkenwell and the extra parochial place of the Charterhouse * on the northern side of Old Street and the eastern side of Goswell Road commencing in Old Street at Central Street and terminating in Goswell Road at Ludlow Street formerly Willow Row.

Lands for
fire brigade
purposes.

5. Subject to the provisions of this Act the Council may purchase and take the lands herein-after described delineated on the deposited plans and described in the deposited book of reference viz. :—

For the purposes of the Metropolitan Fire Brigade Act 1865 :—

PIMLICO—

Lands in the parish of Saint George Hanover Square situate on the north side of Grosvenor Road and being the lands and premises numbered 91A 91B and 91C in that road :

HOMERTON—

Lands in the parish of Saint John Hackney on the north side of High Street being the premises numbered 97 in that street.

6. [*Power to the Council to acquire part of the churchyard of St. George-the-Martyr, Southwark, on providing an equivalent area and adding the same to form part of the said churchyard. Spent.*]

7—8. [*Removal of human remains from the part of the churchyard taken—Power to the Council to reconstruct the West London Railway bridge over Battersea Park Road. Spent.*]

* See note on 18 & 19 Vict. c. 120, Sch. C.

9. With regard to the widening of Battersea Park Road and the reconstruction of the bridge carrying the West London Extension Railway over that road by this Act authorised the following provisions for the protection of the West London Extension Railway Company (herein-after referred to as "the Company") shall unless otherwise agreed between the Council and the Company have effect viz. :—

For protection of West London Extension Railway Company.

- (4) The new reconstructed or altered bridge and the materials therein shall be and remain the property of the Company and shall be maintained by them as part of their railways and works but the road and footways under the same shall be formed paved metalled channelled and flagged by and at the expense of the Council.

[Parts omitted (as to acquisition by the Council of a right of public way below the widened portion of the bridge, and provisions applying during construction of works) spent.]

10—11. [For the protection of the South London Tramways Company*—Power to the Council to take lands. Spent.]

12—13. [Confirmation of the agreements set forth in the 1st and 2nd Schedules.]

14—22. [As to acquisition of easements—Errors in plans—Power to the Council to enter and survey property to be taken—Costs of arbitration—As to taking parts only of certain properties—Power to stop up ways during works, to raise or lower streets, and to deviate. Spent.]

23. [Power to the Council to make subsidiary works and to stop up streets and appropriate the sites thereof, to alter and interfere with drains and sewers on providing proper substitutes—Vesting soil of streets, etc., stopped up and of altered drains and sewers in the Council—Substituted sewers and drains to be under the same management as existing sewers and drains.]

24—26. [Alteration of water, gas, and other pipes—For the protection of the Gas Light & Coke Company—Laying out of carriageways. Spent.]

27. [As to laying of pavements, and vesting the repair thereof in the authority in whom the repair of the street is vested or in other parties liable to repair the same.]

28. [Power to the Council to fill up sewers and drains on providing substituted sewers and drains, which when made are to be under the same management as existing sewers and drains.]

29—31. [Power to the Council to alter steps, areas, pipes, etc.—Periods for compulsory purchase of land and for completion of works limited to 3 and 5 years respectively. Spent.]

32. [The improvements to become public streets—Vesting the soil thereunder in the Council, but the streets to be maintained by the authority having the management of other streets in the district.]

33—42. [Power to the Council to sell materials, to lease surplus lands, to sell ground rents, to sell land without leasing, to let or exchange lands, to dispose of lands not wanted—Receipts of Council

* The tramway undertaking of this Company was purchased by the Council in 1900 and 1902.

to be effectual discharges—Power to the Council to make agreements with owners of property—Power to the Council to purchase additional lands (not exceeding 5 acres) for the purposes of 58 & 59 Vict. c. cxxx.—As to rehousing labouring-class persons displaced. Spent.]

PART III.—CONTRIBUTIONS BY LOCAL AUTHORITIES AND MISCELLANEOUS.

43—45. [*Provisions for contributions by local authorities towards the improvements and towards the acquisition by the Council of lands for the purpose of open spaces at Wells Road, Sydenham, East Street, Walworth, and Nelson Street, Bermondsey, and for the purchase of lands at Fortune Green, Hampstead, and separate accounts in relation thereto. Spent.*]

As to
maintenance
of Fortune
Green.

46. When and as soon as the lands at Fortune Green shall have been acquired by the Council the same shall for the purposes of management and maintenance be vested in the vestry of the parish of Saint John Hampstead* as if such lands had been an open space acquired by it under the provisions of the Open Spaces Acts 1877 to 1890 and shall be laid out managed and maintained by the vestry.

47—48. [*Extension till the 19th August 1900 of the period for the purchase of certain lands authorised by 54 & 55 Vict. c. cxi. and 57 & 58 Vict. c. clxxxv.; and applying the provisions of Part II. of the Railways Clauses Act 1863 to such extension. Spent.*]

PART IV.—POWERS TO VESTRIES AND DISTRICT BOARDS.

Sheds etc.
on disused
burial
grounds.

49. It shall be lawful for the Council and for the vestries† and district boards of works‡ in the county of London (including the Woolwich Local Board§) with the consent of the Council to erect and maintain upon any disused burial grounds in the county of London of which they respectively now have or hereafter may have the management or control any sheds for the protection of plants and gardening implements. [*See also 50 & 51 Vict. c. cvi. s. 50; 58 & 59 Vict. c. cxxvii. s. 45; and 63 & 64 Vict. c. clxviii. s. 29.*]

Power to
sanitary
authorities
to provide
accommoda-
tion for
inquests.

50. Section 92 of the Public Health (London) Act 1891 shall be deemed to have authorised and shall authorise sanitary authorities upon such terms as may be agreed upon between such sanitary authorities and the Council to provide and maintain accommodation for the holding of inquests in connexion with a mortuary or other building belonging to such sanitary authority.

PART V.—EAST HAM DRAINAGE.

Admission of
sewage from
portion of
East Ham
district into
sewers of the
London
Council.

51.—(1) When and so soon as the London Council shall have constructed a sewer from the western boundary of the parish of North Woolwich to the sewage works of the Council at Barking the East Ham Council shall subject to the provisions of this Act have the right from time to time to connect therewith their sewers which drain that part of the East Ham district which is situate to

* Now the Council of the Metropolitan Borough of Hampstead. See 62 & 63 Vict. c. 14, s. 4.

† Now the Councils of the Metropolitan Boroughs. See 62 & 63 Vict. c. 14, s. 4.

‡ Now the Council of the Metropolitan Borough of Woolwich. See 62 & 63 Vict. c. 14, s. 19.

the southward of and outside the southern boundary of the Royal Albert Dock and to discharge therefrom the contents thereof into the said sewer to be constructed by the London Council.

(2) The necessary connexions between such sewers shall be made at such convenient point or points as the chief engineer of the Council may select and all works required for effecting such connexion so far as the same will involve any interference with the sewer of the London Council shall be executed by the London Council at the expense of the East Ham Council or if so required by the London Council by the East Ham Council in accordance with plans sections and specifications to be previously submitted to and approved by the London Council. After the completion of such connexion the London Council shall receive such sewage and drainage into the metropolitan main drainage system for disposal and treatment at their outfall works.

52. The East Ham Council shall pay to the London Council—

Payment by
East Ham
Council to
London
Council.

(a) . . . Such annual sum payable by half-yearly instalments on the thirty-first day of March and the thirtieth day of September in every year for a period of thirty years as may be agreed between the East Ham Council and the London Council as an equivalent for the said sum of eight hundred pounds :
[*Part omitted (an alternative payment of a sum of £800) spent.*]

(b) Such sum as shall from time to time be requisite in each year to provide interest and sinking fund as from the date of admission in the last section mentioned in respect of such a proportion of the money borrowed by the Metropolitan Board of Works or the London Council before or after the passing of this Act for the purposes of and connected with the metropolitan main drainage system and for the time being undischarged as the rateable value from time to time of the property assessable to the poor rate within that portion of the East Ham district which lies to the southward of and outside the southern boundary of the Royal Albert Dock bears to the rateable value from time to time of the property in the area liable to contribute to the London Council in respect of main drainage charges :

(c) Such additional sum from the same date as shall bear to the total annual cost of the management maintenance and working of the metropolitan main drainage system the same proportion as the rateable value from time to time of the property assessable to the poor rate within that portion of the East Ham district which lies to the southward of and outside the southern boundary of the Royal Albert Dock bears to the rateable value from time to time of the property in the area liable to contribute to the London Council in respect of main drainage charges.

53. The London Council shall by notice in writing as soon as reasonably practicable inform the East Ham Council of the amount of the contribution which will be required from them in respect of each half year ending on the thirty-first day of March and the thirtieth day of September in every year and the East Ham Council shall on the date named in such notices respectively pay to the London Council the amount of the contribution in respect of that half year as stated in the notice.

Notice of
amount of
half-yearly
contribu-
tions.

Interest in case of default in payment.

54. In case default be made in the payment of any of the sums payable under this Act by the East Ham Council the same shall be deemed to be a debt due from the East Ham Council to the London Council with interest at the rate of three per centum per annum from the date at which such payment became due.

East Ham Council to furnish copy of valuation list.

55. The East Ham Council shall forthwith after the passing of this Act furnish to the London Council a properly certified copy of the valuation list for the purpose of the rate for the relief of the poor in force within that portion of their district which lies to the southward of and outside the southern boundary of the Royal Albert Dock and shall also furnish to the London Council from time to time when required by them a certified copy of the said valuation list as from time to time in force.

Remedies in case of default.

56. Where any moneys due and payable under this Act by the East Ham Council to the London Council remain unpaid for a period of six months after notice in writing has been given them in addition to any other remedy in that behalf the London Council may appoint persons to levy on the East Ham district the unpaid amount and those persons shall proceed in the like manner and have the like powers remedies and privileges and be subject to the like regulations with reference to the levying of such rate as any person duly appointed for that purpose by the East Ham Council should or would have proceeded had or been subject to.

Limitation of right conferred on East Ham Council.

57. The East Ham Council shall not permit or suffer any portion of their district other than that situate to the southward of and outside the southern boundary of the Royal Albert Dock to drain into or be connected with the metropolitan main drainage system.

Power of inspection and entry.

58. It shall be lawful for the London Council at any time to enter upon and inspect any sewage works sewers and drains within the East Ham district for the purpose of ascertaining whether any default in compliance with this part of this Act is being committed and the London Council may for that purpose break up or open any street within the said district reinstating the same at their own expense as soon as may be after such inspection :

Provided always that before the London Council exercise any power of entry under this section they shall give to the East Ham Council notice of their intention to do so specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the opening of any street and such work shall be done at the expense of the London Council under the superintendence of the East Ham Council unless the East Ham Council refuse or neglect to give such superintendence at the time specified in the notice for the commencement of such work or discontinue the same during the execution of such work and the London Council shall execute such work to the reasonable satisfaction of the engineer of the East Ham Council :

If any difference arise between the London Council or their engineer and the East Ham Council or their engineer as to the reasonableness or otherwise of breaking up or opening such streets or touching the amount of any costs expenses or charges under the provisions of this Act to be paid by the London Council to the East Ham Council or touching any work matter or thing to be done or executed or proposed to be done or executed by the London Council or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon by the engineers of the

London Council and the East Ham Council or failing agreement to be named by the president of the Institution of Civil Engineers and the decision of such engineer shall be final and binding and the expense of the reference shall be borne as he may direct.

59. For the purposes of this Act the provisions of Part IV. of the London County Council (General Powers) Act 1894 "Protection of sewers" shall extend and apply as if for the purpose of those provisions the East Ham district were within the administrative county of London and the East Ham Council were a vestry or district board of works.

Extending provisions of the London County Council (General Powers) Act 1894 as to sewers.

PART VI.—FINANCIAL.

60. [Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council Money Acts 1898—1905.]

61. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [Part omitted (expenses of obtaining Act) spent.]

As to payments under this Act.

FIRST SCHEDULE. [Agreement dated 21st May 1897 between Herbert Reginald Ray, a lunatic, by Alfred Llewelyn Wheeler, his committee, of the first part, Isabella Anne Oliver of the second part, and the Council of the third part, as to the purchase by the Council of certain properties in Goswell Road and Old Street, subject to the existing leases thereof. Spent.]

SECOND SCHEDULE. [Agreement dated 26th July 1897 between the Council of the one part, and Richard Moreland & Son, Ltd. (hereinafter called "the Company") of the other part, as to the assignment by the Company to the Council of certain lands in Old Street held by them as owners for a term of years on substitution by the Council of a lease or leases of an equivalent area of adjacent property. Spent.]

THIRD SCHEDULE. [Description of properties of which the Council may take parts only. Spent.]

61 & 62 VICTORIA. A.D. 1898.

CHAPTER 16.

AN ACT TO PROVIDE FOR THE PROTECTION OF DANGEROUS PLACES ON CANALS IN THE COUNTY OF LONDON. [25th July 1898.]

1. If in the opinion of any local authority any part of a canal within the jurisdiction of that local authority, or the bank or towing-path thereof, is so insufficiently protected at any place where it abuts upon any public highway existing at the time of the passing of this Act as to involve danger to human life, such local authority may by notice in writing require the canal company to erect and maintain such fences, gates, turnstiles, or rails on any part of the bank or towing-path, or on adjacent property of the canal company, as may, in the opinion of the local authority, be required to obviate such danger: Provided that no fences, gates, turnstiles, or rails shall be required to be erected which would be between the waterway of the canal and the towing-path thereof, or which would otherwise interfere with the free passage of traffic along the canal or towing-path.

Dangerous places on canals to be protected.

2. If the canal company refuse to comply with any notice under this Act, or fail for one month from receipt of any such notice to comply therewith, it shall be lawful for a court of summary jurisdiction by order on complaint by the local authority to determine, Appeal from requisition to court of summary jurisdiction.

after due inquiry, whether any such danger exists, and whether the works required by any such notice are necessary and such as the canal company may be reasonably required to carry out, and whether the whole or any of such works shall be carried out, and to limit a time within which any works shall be executed, and to determine whether the costs of any such works and the future maintenance thereof shall be borne by the local authority or the canal company, or in what proportions between them.

Execution of works by local authority.

3. If any such order be not complied with by the canal company within the time so limited, the local authority may execute the works necessary for compliance with such order, and may recover the costs thereof from the canal company, so far as payable by them.

Power to recover costs of works.

4. The costs of any works payable by the local authority or the canal company under this Act may be recovered from the party liable for the same in manner provided by the Summary Jurisdiction Acts.

Appeal from court of summary jurisdiction.

5. Any order of a court of summary jurisdiction under this Act shall be subject to appeal to the court of quarter sessions in manner provided by the Summary Jurisdiction Acts. [*See the Summary Jurisdiction Acts 1879, s. 31, and 1884, s. 6.*]

Commencement of Act.

6. This Act shall come into operation on, and shall take effect from the first day of January, one thousand eight hundred and ninety-nine.

Extent of Act.

7. This Act shall apply only within the administrative county of London.

Interpretation.

8. In this Act—

“Canal company” means any company or person owning or in possession of a canal or any part thereof:

“Local authority” means and includes the London County Council, a vestry or district board of works under the Metropolis Management Acts,* the Mayor, Commonalty, and Citizens of the City of London, or the Woolwich Local Board of Health,† as the case may require.

Short title.

9. This Act may be cited as the Canals Protection (London) Act, 1898.

CHAPTER 31.

AN ACT TO AMEND THE METROPOLITAN POLICE COURTS ACT, 1897. [2nd August 1898.]

Amendment of 60 & 61 Vict. c. 26 s. 6, as to certain fines.

1. Nothing in section six of the Metropolitan Police Courts Act, 1897, shall affect the application of any fines, pecuniary penalties, and forfeitures, which under any other Act are payable to the informer or to the party aggrieved, or to a police pension fund, or which are recoverable under any of the Acts relating to the Customs or Inland Revenue, or to the Post Office, or Trade or Navigation, or under the Factory Acts, or which when recovered are to be applied as an excise penalty.

Short title.

2. This Act may be cited as the Metropolitan Police Courts Act, 1898, and may be cited with the Metropolitan Police Acts, 1829 to 1897, and shall be deemed to have come into operation on the first day of April one thousand eight hundred and ninety-eight.

* Now the Council of a Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

† Now the Council of the Metropolitan Borough of Woolwich. See 62 & 63 Vict. c. 14, s. 19.

CHAPTER 45.

AN ACT TO AMEND SECTION SIXTY-NINE OF THE METROPOLITAN POOR ACT, 1867, AS TO THE EXPENSES PAYABLE OUT OF THE METROPOLITAN COMMON POOR FUND. [12th August 1898.]

Amend-
ment of
30 & 31 Vict.
c. 6, s. 69
as to ex-
penses pay-
able out of
Metropolitan
Common
Poor Fund.

1.—(1.) Any institution for the maintenance of pauper children which would otherwise come within sub-section eight of section sixty-nine of the Metropolitan Poor Act, 1867, shall not be deemed to be or to have been excluded therefrom by reason only of the children being educated at a public elementary school or elsewhere outside the institution.

(2.) If on any day the number of pauper children maintained in any district or separate school exceeds the number certified by the Local Government Board as the maximum number of children to be maintained in that school, no repayment shall be made from the Metropolitan Common Poor Fund* in respect of the maintenance during that day of the children so in excess. Where children are received in any such school from more than one poor law union, so much of the cost of their maintenance as is not repaid from that fund shall be borne in such manner as the Local Government Board may by order direct.

2. This Act may be cited as the Metropolitan Poor Act, 1898.

Short title

CHAPTER CXXXVII.

AN ACT TO AMEND THE LONDON BUILDING ACT 1894.

[25th July 1898.]

[Preamble.]

1. This Act may be cited as the London Building Act 1894 (Amendment) Act 1898.

Short title.

2. The London Building Act 1894 (in this Act referred to as "the principal Act") as amended by this Act and this Act shall be read and construed together as one Act and words and expressions used in this Act shall unless the context otherwise requires bear the meanings assigned to them in the principal Act and any references in the principal Act to any part or provisions of the principal Act shall be construed as referring to such part or provisions as amended by this Act.

Act of 1894
and this
Act to be
construed
as one Act.

3.—(1) In every case where any new building or new structure or any part thereof is erected or any building or structure or any part thereof is extended in such manner that any external wall of such building or structure or (if there be a forecourt or other space between such external wall and the roadway) any part of any external fence or boundary of such forecourt or space shall be at a distance in any direction from the centre of the roadway of any street or way (being a highway) less than the distance permitted under Part II. of the principal Act or contrary to the conditions and terms (if any) subject to which the Council or the tribunal of appeal has sanctioned the erection or extension of such building or structure the Council may serve a notice upon the owner or occupier of the said building structure fence or boundary or upon

Notice to
set back
buildings
etc.

* See 30 & 31 Vict. c. 6, s. 61.

the builder requiring him to cause such building structure fence or boundary or any part thereof to be set back so that every part of any external wall of such building or structure or of the external fence or boundary of such forecourt or space shall be at a distance in every direction from the centre of the roadway of such street or way not less than the distance permitted under Part II. of the principal Act and shall be in accordance with such conditions and terms (if any) as the Council or the tribunal of appeal may have prescribed.

(2) Any notice served under the provisions of this section shall be deemed to be a notice empowered to be served under Part II. of the principal Act within the meaning of the second subsection of the two hundredth section of the principal Act which subsection shall be read and construed and take effect as though the words "fence or boundary" had been originally inserted therein immediately after the word "structure."

(3) The fourteenth section of the principal Act is hereby repealed and from and after the passing of this Act the principal Act shall be read and have effect as if this section had been inserted therein instead of the said fourteenth section.

(4) Nothing in this section shall affect the exercise of any powers conferred upon any railway company by any special Act of Parliament for railway purposes.

Height of
working
class
dwellings in
certain
streets.

4. The proviso in subsection 5 of section 13 of the principal Act commencing with the words "Provided always that no dwelling-house" is hereby so far as the said proviso relates to dwelling-houses inhabited or adapted to be inhabited by persons of the working class and situate outside the city amended so that it shall hereafter be read and have effect as if the words "a distance of twenty feet from the centre of the roadway" were substituted for the words "the prescribed distance" wherever the words "the prescribed distance" occur in the said proviso.

Service of
summons
and orders
relating to
dangerous
or neglected
structures.

5. Section 188 of the principal Act shall not apply to any notice summons or order to be served upon the owner or occupier of a dangerous or neglected structure:

Any such notice summons or order may be served on the owner or occupier of the dangerous or neglected structure by delivering a copy thereof to some person on the premises to which such notice summons or order relates or if no person be found on the premises then by fixing the same or a copy thereof on some conspicuous part of the premises to which it relates and in the case of a railway company by delivering a copy thereof to the secretary at the principal office of the Company and in any such notice summons or order it shall be sufficient to describe the owner or occupier as "the owner" or "the occupier" and the same may be addressed to the owner or occupier by the description of "the owner" or "the occupier" of the premises (naming the premises) to which the same relates without further name or description:

Provided always that when the owner of any dangerous or neglected structure and his residence are known to the Council it shall be the duty of the Council to send a copy of every such notice summons or order by registered post addressed to the usual or last known residence of such owner:

In this section the expression "structure" shall have the meaning assigned to it in Part IX. of the principal Act In cases where a

dangerous structure is situate within the city this section shall be read as if the Corporation were named therein instead of the Council.

6. Subsection (3) (*e*) of the two hundredth section of the principal Act shall hereafter be read and construed and take effect as though the word "retains" had been inserted therein immediately after the word "erects" and the words "approval or" had been inserted therein immediately before the word "licence" wherever such word occurs therein. Amendment of section 200 subs. (3) (*e*) of Act of 1894.

7. Every person who does any of the things specified in paragraphs (*a*) (*d*) and (*e*) of subsection (3) of section 200 of the principal Act as amended by this Act shall be liable on conviction to a penalty not exceeding forty shillings for every such offence and the court before whom an information is laid by the Council in respect thereof may in addition to imposing such penalty make an order in writing directing such person to demolish the building or structure complained of or any part thereof or to comply with the conditions contained in any consent licence or approval granted by the Council for the setting up erection adaptation alteration or retention of such building or structure and such order of the court shall be deemed to be the order of the court within the meaning and for the purposes of the third subsection of the two hundredth section of the principal Act and the imposition of any penalty under the provisions of this present section shall be without prejudice to any proceedings under the third subsection of the two hundredth section of the principal Act for the daily penalty therein mentioned or under any other provisions of the principal Act or otherwise but so that no person shall be liable to more than one penalty (other than daily penalties) for the same offence. Amendment of section 200 subs. (3) of Act of 1894. [See also 57 & 58 Vict. c. cxxiii. s. 170.]

8. The buildings and premises of the Stock Exchange within the City of London shall for the purposes of this and the principal Act be deemed to be a public building within the meaning of such Acts. As to the Stock Exchange buildings.

9. Nothing in this Act contained shall in any way take away alter prejudice or affect any of the powers rights and privileges conferred upon a gas company by any Act of Parliament and as existing immediately before the passing of the principal Act. Saving for gas companies.

10. [*Expenses of obtaining Act. Spent.*]

CHAPTER CXLIH.

* AN ACT TO PREVENT OR REGULATE THE DISCHARGE OF SEWAGE INTO THE METROPOLITAN MAIN DRAINAGE SYSTEM FROM THE URBAN DISTRICT OF ACTON IN THE COUNTY OF MIDDLESEX.

[25th July 1898.]

[*Preamble recites that prior to the passing of 18 & 19 Vict. c. 120 certain sewers or brooks known as the Stamford Brook (west branch) and the Stamford Brook (east branch) passed through the parishes of Acton, Fulham, and Hammersmith, and discharged into the Thames at Hammersmith Creek; and recites (inter alia) that the Metropolitan Board of Works were by the said Act required to*

* Semble that this Act will be largely superseded on the coming into operation of s. 33 of 5 Edw. 7, c. cciii.

make such sewers and works as might be necessary for the effectual drainage of the metropolis, and the vesting thereunder in the Board of (inter alia) the said Stamford Brook sewers, and the transfer under 51 & 52 Vict. c. 41 to the London County Council (in this Act called "the London Council") of all the powers, properties, duties, and liabilities of the said Board of Works; and further recites the constitution of the Local Board of Acton as the sanitary authority for the parish of Acton under the Local Government Act 1858, and subsequently the Public Health Act 1875, and the transfer under the Local Government Act 1894 of the rights, powers, and duties of the said Local Board to the Acton Urban District Council constituted by that Act (hereinafter called "the Acton Council"); and recites that by a judgment given in an action commenced in 1877 by the said Board of Works against the Acton Local Board the said Local Board were perpetually restrained from causing sewage to be discharged directly or indirectly into the metropolitan main drainage system, but that since the date of the said judgment sewage from the Acton district has continued to be discharged into the metropolitan main drainage system.]

Short title.

1. This Act may be cited as the London County Council (Acton Sewage) Act 1898.

Definitions.

2. In and for the purposes of this Act—

"The London Council" means the London County Council;

"The Acton Council" means the Urban District Council of Acton in the county of Middlesex;

"The Acton district" means the district of the Acton Council.

Payments
by Acton
Council in
respect of
future use
of metro-
politan
main
drainage
system.

3.—(1) The Acton Council shall pay to the London Council in respect of the future use of the metropolitan main drainage system—

(A) Such sum from the first day of October one thousand eight hundred and ninety-eight as shall bear to the total annual cost of the management maintenance and working of the metropolitan main drainage system such a proportion as the rateable value from time to time of the property assessable to the poor rate within the Acton district and draining into the metropolitan main drainage system (other than houses or buildings having acquired a prescriptive right to drain into the Stamford Brook sewers) bears to the rateable value from time to time of the property in the area liable to contribute to the London Council in respect of main drainage charges;

(B) Such additional sum as shall from time to time be requisite to provide interest and sinking fund as from the first day of October one thousand eight hundred and ninety-eight in respect of such a proportion of any money borrowed by the London Council after the passing of this Act for the purposes of and connected with the metropolitan main drainage system as the rateable value from time to time of the property assessable to the poor rate within the Acton district and draining into the metropolitan main drainage system (other than houses or buildings having acquired a prescriptive right to drain into the Stamford Brook sewers) bears to the rateable value from time to time of the property in the area liable to contribute to the London Council in respect of main drainage charges:

Provided that it shall be lawful for the Acton Council and the

London Council from time to time to agree for the payment by the Acton Council of an annual sum in lieu of the payments aforesaid or either of them.

[Part omitted (provisions in event of the Acton Council electing within 2 years from the passing of the Act to discontinue to discharge sewage into the metropolitan main drainage system) spent. See also 5 Edw. 7, c. cciii. s. 33.]

4. The Acton Council shall forthwith furnish to the London Council a copy of the valuation for the purposes of the rate for the relief of the poor in force on the sixth day of April one thousand eight hundred and ninety-eight so far as relates to the part of the Acton district draining into the metropolitan main drainage system and of all hereditaments connected with that system and shall also from time to time when required by the London Council furnish to them a copy of the current valuation of such part including the value of the several hereditaments for the purposes of the rate for the relief of the poor and the aforesaid valuation shall be certified by the Acton Council as the valuation of all the property in the Acton district draining into the metropolitan main drainage system And the London Council shall forthwith furnish to the Acton Council particulars in writing signed by their clerk or other officer of the total rateable value of the property in the area liable otherwise than under this Act to contribute to the London Council in respect of main drainage charges and shall from time to time but not oftener than once a year furnish the Acton Council with particulars of any alteration in such total rateable value And shall annually inform the Acton Council of the total cost in the preceding year of the maintenance and the treatment of sewage and surface water dealt with in and by such sewers as aforesaid. *[See also 5 Edw. 7, c. cciii. s. 33 (7).]*

Acton Council to furnish copy of valuation list to London Council.

5. The London Council shall by notice in writing as soon as reasonably practicable inform the Acton Council of the amount of the contribution which will be required from the Acton Council under this Act or under any agreement or award pursuant to this Act in respect of each half-year ending on the thirty-first day of March and the thirtieth day of September in every year and the Acton Council shall within three months after the service of such notices respectively pay to the London Council the amount of the contribution in respect of that half-year as stated in the notice. *[See also 5 Edw. 7, c. cciii. s. 33 (6).]*

Notice of amount of half-yearly contributions.

6. In case default be made in the payment of any of the sums payable by the Acton Council as aforesaid the same shall be deemed to be a debt due from the Acton Council to the London Council with interest at the rate of three per centum per annum from the date at which such payment became due. *[See also 5 Edw. 7, c. cciii. s. 33 (12).]*

Interest in case of default in payment.

7. Where any moneys due and payable by the Acton Council to the London Council as aforesaid remain unpaid for a period of six months after notice in writing has been given them in addition to any other remedy in that behalf the London Council may appoint persons to levy on the Acton district the unpaid amount and those persons shall proceed in the like manner and have the like powers remedies and privileges and be subject to the like regulations with reference to the levying of such rate as any person duly appointed

Remedies in case of default.

for that purpose by the Acton Council should or would have proceeded had or been subject to. [*See also 5 Edw. 7, c. cciii. s. 33 (8).*]

Extending provisions of London County Council (General Powers) Act 1894 as to sewers.

8. For the purposes of this Act the provisions of Part IV. of the London County Council (General Powers) Act 1894 "Protection of Sewers" shall extend and apply as if for the purpose of those provisions the Acton district were within the administrative county of London and the Acton Council were a vestry or district board of works. [*See also 5 Edw. 7, c. cciii. s. 33 (9).*]

9. [*Power for the London Council to enter upon and inspect sewage works, sewers, and drains within the Acton district. Semble superseded by 5 Edw. 7, c. cciii. s. 35.*]

As to payments under this Act.

10. All costs and expenses of the London Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (expenses of obtaining Act) spent.*]

CHAPTER CCXXI.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO MAKE CERTAIN STREET IMPROVEMENTS TO PURCHASE LANDS TO MAKE PROVISION FOR CONTRIBUTIONS IN CERTAIN CASES BY LOCAL AUTHORITIES TO REMOVE OBSTRUCTIONS IN CERTAIN STREETS TO MAKE VARIOUS MISCELLANEOUS PROVISIONS RELATING TO THE LONDON COUNTY COUNCIL AND FOR OTHER PURPOSES.

[*12th August 1898.*]

[*Preamble recites (inter alia) that the Council have entered into agreements with the owners of certain lands adjoining or near to Hackney Common for an exchange of lands.*]

PART I.—INTRODUCTORY.

Short title.

1. This Act may be cited as the London County Council (General Powers) Act 1898.

Interpretation.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

"The Council" means the London County Council;

"Improvements" means the new street and street widenings and the reconstruction of the Rosemary Branch Bridge by this Act authorised;

"Street" has the meaning assigned to that term in the Metropolis Management Acts 1855 to 1893.

[*Part omitted (as to the meaning of certain words in the Acts incorporated and in this Act) spent.*]

3. [*Incorporation of Lands Clauses Acts. Spent.*]

PART II.—IMPROVEMENTS ETC.

New street and street improvements.

4. Subject to the provisions of this Act the Council in the line and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections may make

the improvements in the county of London hereafter described viz. :—

- (a) They may make a new street wholly in the parish of Saint John the Evangelist Westminster commencing at a point in Ponsonby Place opposite the end of Roehampton Street and terminating by a junction with a new street now in course of construction on land forming part of the site of the old Millbank Penitentiary : * New street (continuation of Roehampton Street Westminster).
- (b) They may widen York Road (Battersea and Wandsworth) : Widening of York Road (Battersea and Wandsworth).
Upon the north-western side thereof :—
 - (i) In the parish of Wandsworth—
From a point at or near the Wandsworth Station of the London and South Western Railway Company to a point 100 feet or thereabouts south of Worpleway :
 - (ii) In the parish of Saint Mary Battersea—
From a point 80 feet or thereabouts north of Starchfactory Road to York Place ;
Between Lombard Road and Totteridge Road :
Upon the south-eastern side thereof :—
 - (i) In the parish of Wandsworth—
From a point at or near the said Wandsworth Station to Bramford Road ;
From a point 3½ chains or thereabouts south of the thoroughfare known as Eltringham Street or New Eltringham Road to John Street :
 - (ii) In the parish of Saint Mary Battersea—
From John Street to the Nag's Head public-house ;
From Benfield Street to Falcon Road :
- (c) They may widen the street called Albert Embankment in the parish of Lambeth near the Vauxhall Station of the London and South Western Railway on the east side between Upper Kennington Lane and Vauxhall Walk : Albert Embankment (Vauxhall) widening.
- (d) They may take down and remove the bridge over the Regent's Canal known as the Rosemary Branch Bridge in the parishes of Saint John Hackney and Saint Leonard Shoreditch and Saint Mary Islington and construct a new bridge on the site thereof and approaches thereto commencing at or near the junction of Bridport Place with Hyde Road in the said parish of Saint Leonard Shoreditch and terminating at or near the southern end of Southgate Road in the said parish of Saint John Hackney. Reconstruction of Rosemary Branch Bridge (Regent's Canal).

[Part omitted (power to the Council to enter upon and use lands of the North Metropolitan Railway and Canal Company for the construction of works, and as to an agreement relating to the manner of reconstructing Rosemary Branch Bridge) spent.]

5—6. [As to agreements between the Council and the North Metropolitan Railway and Canal Company as to the reconstruction of Rosemary Branch Bridge—For the protection of South London Tramways Company.† Spent.]

7—17. [Power to the Council to purchase lands by agreement—As to acquisition of easements—Errors and omissions in plans—Power to the Council to enter upon and survey lands to be taken—

* See footnote to 58 & 59 Vict. c. cxxvii. s. 6.

† This Company's undertaking was transferred to the Council on the 21st November, 1902.

As to arbitration—Compensation in case of recently altered buildings—Power to take parts only of certain properties, to stop up ways temporarily, to stop up streets, and to deviate. Spent.]

18. *[Power to the Council to make subsidiary works, to stop up streets and appropriate the sites thereof, and to alter and interfere with drains and sewers on providing proper substitutes—Vesting the soil of streets, etc., stopped up in the Council, but the substituted sewers and drains to be under the same management as existing sewers and drains.]*

19—21. *[Alteration of water, gas, and other pipes—For the protection of the Gas Light & Coke Company and the South Metropolitan Gas Company—Power to the Council to lay out carriageways. Spent.]*

22. *[As to laying of pavements and requiring the same when laid to be repaired by the authority in whom the repair of the street is vested, or by other parties liable to repair the same.]*

23. *[Power to the Council to fill up sewers and drains on providing substitutes, which are to be under the same management as existing sewers and drains.]*

24—26. *[Power to the Council to alter steps, areas, pipes, etc.—Periods for compulsory purchase of lands (extended as regards s. 4 (d) till 12th August 1903 by 1 Edw. 7, c. cclxxii. s. 42), and for the completion of works limited to 3 and 5 years respectively. Spent.]*

Completion
of improve-
ments.

27. When each of the improvements is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the improvement to which it relates as shall have been laid out for carriageway or footway shall form part of the street and may be used by the public accordingly. The land acquired by the Council for and thrown into the improvements shall be and remain vested in the Council and the maintenance repair paving cleansing and lighting thereof shall be under the care management control and jurisdiction of the authority in whom the management and repair of streets is vested in the same manner as other streets in their district.

28. *[Power to the Council to sell materials. Spent.]*

29—30. *[Power to the Council to lease surplus lands, and to sell ground rents. Identical with 54 & 55 Vict. c. ccvi. ss. 28—29.]*

31. *[Power to the Council to sell lands without leasing. Identical with 57 & 58 Vict. c. clxxxv. s. 30.]*

32. *[Power to the Council to let or exchange lands. Identical with 54 & 55 Vict. c. ccvi. s. 31.]*

Council to
dispose of
lands not
wanted.

33. Subject to the provisions of this Act the Council shall on or before the first day of September in the year one thousand nine hundred and fifty-eight which period shall be the prescribed period for the purposes of section 127 of the Lands Clauses Consolidation Act 1845 sell and dispose of all lands acquired by them under the powers of this Act for the purposes of this Act and which shall not be required for any of the purposes thereof.

34. *[Receipts of the Council to be effectual discharges. Identical with 54 & 55 Vict. c. ccvi. s. 33.]*

35. The Council may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of the works authorised by this Act or lands purchased and taken under the powers of this Act with respect to the sale by the Council to such person of any lands or property (including any street or thoroughfare or any part of a street or thoroughfare appropriated by the Council under the powers of this Act and not required for the purposes of this Act) for such consideration as may be agreed upon between the Council and such person and the Council may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or other property required by the Council for the purposes of this Act.

Power to Council to make agreements with owners of property, etc.

36. [*As to rehousing labouring-class persons displaced. Spent.*]

37—38. [*Saving the rights of the Crown and of the Duchy of Cornwall.*]

PART III.—CONTRIBUTIONS BY LOCAL AUTHORITIES.

39—41. [*Requiring the Vestries of the parishes of St. Margaret and St. John the Evangelist Westminster, of St. Mary Battersea, of St. Leonard Shoreditch, and of Hackney to contribute towards the improvements referred to in s. 4, and the Vestry of Hammersmith to contribute towards the purchase of lands for addition to Ravenscourt Park (see also 50 & 51 Vict. c. cvi. ss. 32, 34; 2 Edw. 7, c. clxxiii. s. 7), and the Board of Works for the Wandsworth District to contribute towards the cost of the purchase of lands between Putney Bridge Road and the River Thames for the purposes of an open space—As to separate accounts.*]

PART IV.—REMOVAL OF OBSTRUCTION IN STREETS.

42. [*Definition of "owner" for the purpose of this Act. Identical with the definition thereof in 56 & 57 Vict. c. lxvi. s. 2.*]

43. [*Power for the Council and owners to agree as to the removal of the obstructions mentioned in the 3rd Schedule. Spent.*]

44. [*Power for the Council in default of agreement, after not less than three months' notice to owners, to remove such obstructions. Spent.*] •When and as soon as any of the said gates bars rails posts and other obstructions shall have been removed under the powers of this part of this Act the site of such gate bar rail post or obstruction shall for all intents and purposes form part of the street in which it was situate and may and shall thenceforth be used repaired maintained lighted cleansed and sewered in the same manner as the rest of the street and other public streets in the district.

Procedure in default of agreement.

[*As to compensation under the Lands Clauses Acts for lands taken or injuriously affected. Spent.*]

45. [*As to service of notices where the owner cannot be found. Spent.*]

PART V.

AS TO EXCHANGE OF LANDS AT HACKNEY COMMON.

46. In this part of this Act—

The expression "the owners" shall mean and include the persons following or such one or more of them as in each case shall be the proper party or parties under the agreements herein-before mentioned—

Definitions in this part of Act.

James David Powell Thomas Baden Powell and William George Powell all of Newick in the county of Sussex Edward Cotton Powell of Star Yard Carey Street in the county of London Arthur Crofts Powell of Dorking in the county of Surrey and Owen Markham Powell of 7 Lincoln's Inn Fields in the county of London being the owners or reputed owners of the lands and hereditaments to be transferred to the Council in pursuance of the provisions of the said recited agreements ;

"The Hackney Vestry" or "the Vestry" means the Vestry of the parish of Hackney* in the county of London ;

"The signed plan" means the plan signed by the Right Honourable James William Lowther the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred.

Lands to be exchanged.

47. When and so soon as there shall have been conveyed to the Council—

- (a) The site of Clapton Pond and its banks and the land enclosed around it situate in Lower Clapton Road ;
- (b) So much of the cricket ground shown on the signed plan near the corner of Chatsworth Road as is required for the new road hereafter mentioned ;
- (c) All the estate and interest of the said James David Powell in or over the triangular plot of land in the middle of the roadway south of Clapton Pond ;
- (d) The plots of land consisting of two paddocks in Lower Clapton Road lying near to Clapton Pond on the north side thereof ; and
- (e) The field near to the Hackney Cut now known as Paradise Field (subject to the sewer existing thereunder) ;

all which pieces of land are cross-barred with green on the signed plan ; and

- (f) The land lying to the west of Chatsworth Road coloured in part pink and cross-barred with green and in part brown and cross-barred with green on the signed plan ;

the Council may and shall convey to the owners in manner provided for by the agreements herein-before mentioned the land shown upon the signed plan and thereon coloured green and cross-barred with red (being heretofore parts of South Mill Field and of that portion of North Mill Field which lies south of Lea Bridge Road) freed from any public rights of way and all other public rights thereover which are hereby extinguished as from the date of such conveyance.

Lands to be managed by Hackney Vestry.

48.. Immediately after the conveyance to the Council of the lands to be conveyed as aforesaid the small triangular plot south of Clapton Pond shall be thrown into the roadway and be for ever thereafter maintained by the Hackney Vestry as part of the highway and the site of Clapton Pond and the said two paddocks near it shall forthwith be laid out by the Hackney Vestry as lawns or gardens and either with or without ornamental water as the Hackney Vestry shall think fit but so that there shall be thrown into the roadway on the east side of the said pond and paddocks any little strip that may be required to make the western part of such roadway twenty feet

* Now the Council of the Metropolitan Borough of Hackney. See 62 & 63 Vict. c. 14, s. 4.

in width measured from the centre of the existing road and it shall not be lawful for the Council or the Hackney Vestry or for any person to deposit rubbish on any part of the same parcels of land or to do anything thereon which may be a nuisance or an annoyance to the persons residing near to the same or to the public and nothing shall at any time be built thereon except open boundary fences not exceeding six feet in height and a band stand or a greenhouse or a weather shelter or two or all of such erections but none of such erections shall ever exceed twenty feet in height and the Hackney Vestry shall at all times keep the said lawns and gardens and ornamental water and the boundary fences thereof and such buildings as may be erected thereon as aforesaid in good repair and order and condition.

49. Immediately upon the conveyance to the Council of the lands agreed to be conveyed to them by the agreements herein-before mentioned the said lands (other than and except those mentioned in the preceding section) shall be added to and become portions of Hackney Commons within the meaning of the Metropolitan Board of Works (Various Powers) Act 1884 subject nevertheless as to so much thereof as forms part of the site of the intended new road hereafter mentioned to the provisions relating thereto herein-after contained. [See 47 & 48 Vict. c. cexxiii. ss. 44—53.]

Lands added to Hackney Common.

50. [As to the construction by the owners and the Vestry of a new road between Chatsworth Road and Lea Bridge Road, and as to the construction by the owners of a new street between the south-west angle of the new road and Chailey Street.]

51. [The Vestry to have the same rights as to paring the footpath on the west side of Chatsworth Road (between the new road and Mill Fields Road) as if it were a new street, but otherwise Chatsworth Road to be as if already taken over and repairable by the inhabitants at large.]

52. [As to the construction by the owners of a new sewer under Lea Bridge Road and Chatsworth Road into the sewer in Mill Fields Road, such sewer when made to be the property of and repairable by the vestry.]

53. The Vestry shall forthwith remove the urinal which now stands upon the land to be conveyed as herein-before provided by the Council to the owners and the Council shall not thereafter erect any urinal upon any portion of the land vested in them lying between Lea Bridge Road and Mill Fields Road or in North Mill Field within one hundred yards of any land which after the completion of the agreed exchange will belong to the owners or any of them except at the extreme south-western corner of North Mill Field and if any urinal shall be erected at that spot it shall be screened from view as much as reasonably practicable by the planting and maintenance of bushes shrubs and trees. [See 50 & 51 Vict. c. cvi. s. 50.]

Removal and reconstruction of conveniences.

54. So soon as the Council shall have conveyed the lands fronting on Lea Bridge Road to the owners or such of them as shall be grantees thereof the owners or grantees shall dedicate to the public the strip of land along the south side of Lea Bridge Road delineated with the measurements thereof on the enlargement attached to the signed plan and thereon coloured blue and such strip shall thereupon become part of the public highway :

Provisions for widening Lea Bridge Road.

It shall be lawful for the owners and all parties claiming under them or any of them at any time or times to erect buildings upon the land fronting on Lea Bridge Road up to the margin of the said land coloured pink on the said enlargement.

[Part omitted (as to the widening of the Lea Bridge Road, and paving the footpath thereof at the expense of the Vestry) spent.]

Council not to build on certain parts of lands conveyed.

55. The Council shall not at any time part with possession of any of the land now or which by virtue of the said agreement or this Act shall become vested in the Council between Mill Fields Road and Lea Bridge Road or adjoining Lea Bridge Road on the north side thereof within three hundred feet from any part of the land which after the completion of the said exchange will belong to the owners or any of them nor shall they so use or deal with any part of the same land as to deprive the owners and the parties claiming under them or any of such parties of the benefit of a view over the same as open ground from the frontages upon Lea Bridge Road Chatsworth Road and the new road to which after the completion of the said exchange the owners or any of them will be entitled and nothing shall at any time be done upon the said land which may impair or disfigure the said view but nothing in this section contained shall be deemed to preclude the Council from planting trees and shrubs within the distance aforesaid in the ordinary course of management of the land aforesaid as an open space.

56. *[The Vestry to repay to the owners certain paving rates in respect of the portion of Newick Road lying between the two paddocks in the Lower Clapton Road so to be conveyed to the Council as aforesaid, and such portion to be deemed repairable by the inhabitants at large.]*

PART VI.—MISCELLANEOUS.

57—58. *[Extension till the 6th July 1901 of the period for the compulsory purchase of lands authorised by 58 & 59 Vict. cc. cxxix. and cxxx., and application of Part II. of the Railways Clauses Act 1863 to such extension. Spent.]*

59. *[The maintenance of Savoy Place and Savoy Hill to be under the management of the Board of Works for the Strand District,* and the Council to be relieved of all liability in respect thereto on payment to the said Board of £1,000.]*

Purchase or contribution towards purchase of buildings etc.

60. It shall be lawful for the Council if they think fit to purchase by agreement buildings and places of historical or architectural interest or works of art or to undertake or contribute towards the cost of preserving maintaining and managing any such buildings and places and to erect and maintain or contribute towards the provision erection and maintenance of works of art in London. *[See also the Ancient Monuments Acts 1892 and 1900.]*

Further provision as to collecting etc. in park-

61. Whereas by the London Council (General Powers) Act 1890 section 14 the Council have powers to make byelaws in relation to parks gardens and open spaces vested in or under their control and it is provided that the said powers shall be deemed to extend to and include various matters set out in Schedule B to that Act :

And whereas among the subjects of general byelaws for parks

* Now the Council of the City of Westminster. See 62 & 63 Vict. c. 14, s. 4.

gardens and open spaces set out in Schedule B is comprised the following—

“ 27. Soliciting or gathering money or other thing except within the limits of the site or sites upon which public meetings are allowed to be held : ”

And whereas having regard to the said provisions the Council are unable to limit or regulate the solicitation or collection of money on such sites whether in aid of the objects of such meetings or otherwise and it is expedient that the said provisions should be altered Be it therefore enacted that notwithstanding anything in Article 27 of Schedule B to the London Council (General Powers) Act 1890 the Council may subject to the provisions of that Act make and enforce byelaws prohibiting the solicitation or collection of money on any such site otherwise than under the circumstances and conditions prescribed in the byelaws.

62. The provisions of the London County Council (Subways) Act 1893 shall apply to any subway to be constructed under the powers of this Act and also to any subway constructed in connexion with the works herein-after mentioned as if such subway or part thereof had been included in the expression “ subway ” in the said Act of 1893 and the provisions of section 3 of the said Act shall apply during the actual construction of any such subway :

Applying .
provisions of
London
County
Council
(Subways)
Act 1893 in
certain cases.

The works herein-before referred to are as follows :—

- (a) The Sandy's Row improvement described in and authorised by the London County Council (General Powers) Act 1892 :
- (b) The works authorised by the London County Council (Tower Bridge Southern Approach) Act 1895 :
- (c) The new street (Tower Bridge Northern Approach) described in and authorised by the London County Council (Improvements) Act 1897.

63. [*Increase from £70,500 to £156,500 of the amount which the Council are authorised to raise under s. 34 of 60 & 61 Vict. c. cxxiv. Spent.*]

64. [*Enlarging s. 32 of 61 & 62 Vict. c. cxxiv. so as to apply also to certain licensed watermen. Spent.*]

65. [*Power to the Council to agree with the Duke of Bedford as to the construction of a subway under the new street to be formed between Catherine Street and Drury Lane. Spent.*] And the provisions of the London County Council (Subways) Act 1893 shall extend and apply to the said subway and works connected therewith.

PART VII.—FINANCIAL.

66. [*Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council Money Acts 1899—1905.*]

67. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (expenses of obtaining Act) spent.*]

As to pay-
ments under
this Act.

FIRST AND SECOND SCHEDULES. [*Descriptions of properties of which portions only may be taken by the Council. Spent.*]

THE THIRD SCHEDULE.

DESCRIBING NATURE AND SITUATION OF OBSTRUCTION AND PARISH
IN WHICH IT IS SITUATE.

Gate and bar in the parish of Camberwell at the south end of Camberwell Glebe.

Gate posts and railing in the parish of Saint Mary Islington across Duncan Terrace near the junction of that street with Duncan Street.

Gates and railing in the parish of Christchurch (Southwark) situate in Nelson Square Charlotte Street Blackfriars Road.

A wall across Caesar Street in the parish of Saint Leonard Shoreditch near the northern end of that street.

Posts across the northern end of Long Street in the parish of Saint Leonard Shoreditch.

CHAPTER CCXXII.

AN ACT TO REGULATE THE EXPENDITURE OF MONEY BY THE LONDON COUNTY COUNCIL ON CAPITAL ACCOUNT DURING THE CURRENT FINANCIAL PERIOD AND THE RAISING OF MONEY TO MEET SUCH EXPENDITURE. [12th August 1898.]

[Preamble.]

Short title.

1. This Act may be cited for all purposes as the London County Council (Money) Act 1898 and the London County Council (Money) Acts 1875 to 1897 and this Act may be cited together as the London County Council (Money) Acts 1875 to 1898.

Construction
of Act.

2. This Act shall subject to the provisions thereof be read and have effect as one with the Metropolitan Board of Works (Loans) Acts 1869 to 1871 and the London County Council (Money) Acts 1875 to 1897 :

But all consolidated stock created by the Council shall be charged upon the county rate in substitution for the consolidated rate.

Interpreta-
tion.

3. In and for the purposes of this Act—

The expression “the Council” shall mean the London County Council ;

The expression “the financial year” shall mean the period from the first day of April one thousand eight hundred and ninety-eight to the thirty-first day of March one thousand eight hundred and ninety-nine both dates inclusive ;

The expression “the following six months” shall mean the period from the first day of April one thousand eight hundred and ninety-nine to the thirtieth day of September one thousand eight hundred and ninety-nine both dates inclusive ;

The expression “the financial period” shall mean the financial year and the following six months.

[Part omitted (definition of “Main Drainage Acts”) spent.]

4—5. [Power to the Council during the financial period to expend money for sundry purposes. Spent.]

6. [Power to the Council during the financial period to lend to vestries, district boards, and other public bodies in London. Spent.—Provision as to repayment. Identical with such provision in 55 & 56 Vict. c. ccxxxvii. s. 7.]

7.

Money borrowed from and lent by the Council under this section shall be repaid to the Council with interest within such time after the borrowing as the borrowers with the consent of the Local Government Board and the Council with the approval of the Treasury shall agree not exceeding sixty years.

[Part omitted (power to the Council during the financial period to lend to boards of guardians in London).]

Power to
lend to boards
of guardians.

8. [Power to the Council during the financial period to lend to the Managers of the Metropolitan Asylum District. Spent.]

9. [Power to the Council during the financial period to lend to the School Board for London. Spent.—Provision as to repayment. Superseded by 2 Edw. 7, c. 42, s. 5, and 2nd Schedule, and 3 Edw. 7, c. 24. See also the Public Works Loans Act 1905, s. 3. (See Appendix.)]

10.

Money borrowed from and lent by the Council under this section shall be repaid to the Council with interest within such time after the borrowing as the borrowing vestry and the Council with the approval of the Treasury shall agree not exceeding the periods respectively limited by the said Acts.

[Part omitted (power to the Council during the financial period to lend to the Vestries of St. Marylebone* and Bethnal Green* such moneys as such Vestries respectively may borrow under the St. Marylebone (Church Rate Abolition) Act 1898 and the St. Matthew (Church Rate Abolition) Act 1898 respectively) spent.]

Loans to
Vestries of
Marylebone
and Bethnal
Green in con-
nexion with
abolition of
Church rates.

11. [Protection of the Council in case of certain loans. Identical with 54 & 55 Vict. c. 62, s. 13.]

12. Money lent by the Council under the powers of this Act during the six months ending the thirtieth day of September one thousand eight hundred and ninety-nine shall be lent on account of the financial year ending the thirty-first day of March one thousand nine hundred.

As to money
lent by
Council.

13. [Power to raise consolidated stock. Identical with 59 & 60 Vict. c. cxxiv. s. 13.]

14.

All stock created under the powers of this section shall form part of and rank equally with the consolidated stock created under the powers of section 14 of the London County Council (Money) Act 1896 and section 13 of the Act of 1897 and shall also rank equally with all consolidated stock created under the powers of any subsequent Act if the same be thereby declared to rank equally with consolidated stock created under the powers of this section and the said sections 14 of the said Act of 1896 and 13 of the Act of 1897.

[Part omitted identical with 59 & 60 Vict. c. cxxiv. s. 14 down to the words "in respect of such stock."]

New
redeemable
consolidated
stock.

15. [As to the employment of the money of the Consolidated Loans Fund. Identical with 59 & 60 Vict. c. cxxiv. s. 15.]

16. [As to the investment of the money of the Consolidated Loans Fund. Identical with 59 & 60 Vict. c. cxxiv. s. 16.]

17. [Power to the Council after the issue of stock to apply money raised by stock to make up dividends from fixed dates. Spent.]

* Now the Councils of the Metropolitan Boroughs of St. Marylebone and Bethnal Green. See 62 & 63 Vict. c. 14, s. 4.

18. [*As to conversion of stock. Identical with 59 & 60 Vict. c. ccxiv. s. 18.*]

19. [*The limitation on the borrowing power of the Council contained in s. 38 of 32 & 33 Vict. c. 102 not to extend to money raised under this Act.*]

20. [*Limit to the exercise of borrowing powers by the Council during the financial period. Spent.*]

21. [*Incorporation of ss. 27—43 of 48 & 49 Vict. c. 50. Identical with 59 & 60 Vict. c. ccxiv. s. 21.*]

22. [*Power to the Council to lend temporarily. Rep. and replaced by 1 Edw. 7, c. lxxxvii. s. 22, which is rep. and replaced by 5 Edw. 7, c. exliii. s. 21.*]

23. [*Provisions as to raising money by bills. Spent.*]

As to
forgery etc.
of London
County
Bills.

24. Sections 8 9 10 and 11 of the Forgery Act 1861* (which sections relate to the forgery of and other frauds relating to Exchequer Bills) shall apply to London County Bills and shall have effect as if "Exchequer Bill" in those sections included "London County Bill."

As to pay-
ments under
this Act.

25. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (expenses of obtaining this Act) spent.*]

SCHEDULE. [*Particulars of purposes for which moneys may be raised under this Act, and of the sums authorised to be raised for such purposes. Spent.*]

62 & 63 VICTORIA. A.D. 1899.

CHAPTER 14.

AN ACT TO MAKE BETTER PROVISION FOR LOCAL GOVERNMENT IN LONDON. [13th July 1899.]

Establishment of Metropolitan Boroughs.

Establish-
ment of
Metropolitan
boroughs in
London.

1. The whole of the administrative county of London, exclusive of the City of London, shall be divided into metropolitan boroughs (in this Act referred to as boroughs), and for that purpose it shall be lawful for Her Majesty by Order in Council, subject to and in accordance with this Act, to form each of the areas mentioned in the First Schedule to this Act into a separate borough, subject, nevertheless, to such alteration of area as may be required to give effect to the provisions of this Act, and subject also to such adjustment of boundaries as may appear to Her Majesty in Council expedient for simplification or convenience of administration, and to establish and incorporate a council for each of the boroughs so formed.

Constitution
of borough
councils.

2.—(1.) The council of each borough shall consist of a mayor, aldermen, and councillors. Provided that no woman shall be eligible for any such office.

* See Appendix.

(2.) An Order in Council under this Act shall fix the number of councillors, and fix the number and boundaries of the wards, and shall assign the number of councillors to each ward, that number being divisible by three, and regard being had to the rateable value as well as to the population of the wards.

(3.) The number of aldermen shall be one-sixth of the number of councillors, and the total number of aldermen and councillors for each borough shall not exceed seventy.

(4.) Except as otherwise provided by or under this Act, the provisions of the Local Government Act, 1888, with respect to the chairman of the county council and the county aldermen respectively shall apply to the mayor and aldermen of a metropolitan borough respectively, and for this purpose references in that Act to the chairman of the county council and to county aldermen shall be construed as references to the mayor and aldermen of the borough. [See 51 & 52 Vict. c. 41, ss. 2 and 75.]

(5.) Except as otherwise provided by or under this Act, the law relating to the constitution, election and proceedings of administrative vestries, and to the electors and members thereof, shall apply in the case of the borough councils under this Act and the electors and councillors thereof, and section forty-six of the Local Government Act, 1894, relating to disqualifications shall apply to the offices of mayor and alderman. [See 18 & 19 Vict. c. 120, ss. 57—66, 183—191, and 292: and the Local Government Act 1894, ss. 23, 31, 33, 43, 44, 46, 48, 57, and 73. (See Appendix.)]

(6.) The quorum of the borough council shall be one-third of the whole number of the council.

(7.) The mayor and an alderman of a metropolitan borough shall be required to accept office within the same period as is allowed in the case of a councillor. [See 51 & 52 Vict. c. 41, s. 75; the Municipal Corporations Act 1882, s. 34 (see Appendix); and the Local Government Act 1894, s. 48 (see Appendix).]

(8.) The Local Government Board may, on request made by a borough council in pursuance of a resolution of the council passed by a majority of two-thirds of the members present and voting at a meeting of the council duly convened for the purpose, provided that such majority is not less than the majority of the whole council, make an order directing that the whole of the councillors shall retire together on the ordinary day of election in every third year, and may on like request rescind any such order. [See the Local Government Act 1894, s. 23 (6). (See Appendix.)]

3.

(2.) The ordinary day of election of borough councillors shall be the first day of November, or if that day is Sunday, then the following day.

(3.) The ordinary day of election of the mayor and aldermen shall be the ninth day of November, or if that day is Sunday, then the following day.

(4.) The revised lists of voters in each borough shall in each year after the year one thousand nine hundred be printed and signed before the twentieth day of October, and come into operation as the register for the purpose of borough elections on the first day of November.

[Part omitted (as to the date of the first election) spent.]

Date for
elections of
councillors.

Powers of Borough Councils.

Transfer to
borough
councils of
powers from
vestries and
district
boards.

4.—(1.) On the appointed day every elective vestry and district board in the county of London shall cease to exist, and, subject to the provisions of this Act and of any scheme made thereunder, their powers and duties, including those under any local Act, shall, as from the appointed day, be transferred to the council for the borough comprising the area within which those powers are exercised, and their property and liabilities shall be transferred to that council, and that council shall be their successors, and the clerk of the council shall be called the town clerk, and shall be the town clerk within the meaning of the Acts relating to the registration of electors.

Provided that in the case of borrowing powers so transferred, if the London County Council refuse their sanction, or do not within six months after application made give their sanction, to a loan, or attach conditions to their sanction, an appeal shall lie to the Local Government Board, whose decision shall be final. [See 18 & 19 Vict. c. 120, ss. 183—191; 25 & 26 Vict. c. 102, s. 100; 54 & 55 Vict. c. 76, s. 105; 56 & 57 Vict. c. 47, s. 3; and 59 & 60 Vict. c. clxxxviii. s. 32.]

(2.) Where any of the adoptive Acts is adopted within a borough, the borough council shall be the authority for administering the Act; and where any such Act has been adopted before the appointed day, and is administered by commissioners or a board, a scheme under this Act shall abolish the commissioners or board, and transfer their powers, duties, property, and liabilities to the borough council. [See s. 34.]

(3.) The powers of a borough council shall, save as in this Act mentioned, extend to the whole of their borough.

Provided that any power or duty of the council under any Act, whether general or local, conferring powers in relation to some particular parish or district, or part of a parish or district, shall be exercised and performed by the council either throughout the borough or in a limited part thereof, or shall cease to be exercised and performed, as may be provided by a scheme under this Act, having regard to the object of the Act under which the power or duty arises, and to the nature of any change of area or alteration of boundary made by or under this Act. [See the *London (Miscellaneous) Scheme 1900*.]

(4.) Any of the adoptive Acts may be adopted in a metropolitan borough in like manner as in a borough outside London, and not otherwise, and where any of the adoptive Acts adopted before the appointed day does not extend to the whole borough, the Act may be adopted in the rest of the borough in like manner as if it were a separate borough and the borough council were the council thereof. [See s. 31; the *Public Health Act 1875*, s. 10; the *Burial Act 1854*, ss. 1—2; the *Public Libraries Act 1892*, s. 3; and the *London (Adoptive Acts) Scheme 1900*.]

Transfer of
powers from
London
County
Council.

5.—(1.) As from the appointed day the powers and duties of the London County Council under the enactments mentioned in Part One of the Second Schedule to this Act shall, subject to the conditions mentioned in that schedule, be transferred to each borough council as respects their borough.

(2.) As from the appointed day the powers of the London County Council under the enactments mentioned in Part Two of the Second Schedule to this Act may, subject to the conditions mentioned in that schedule, be exercised also by each borough council as respects their borough.

(3.) The Local Government Board may, if they think fit, on the application of the London County Council and of the majority of the borough councils, make a Provisional Order for transferring to all the borough councils any power exercisable by the County Council, or for transferring to the County Council any power exercisable by the borough councils. [*See s. 28.*]

(4.) The Local Government Board may also, on the joint application of the London County Council and the Common Council of the City of London, make a Provisional Order transferring any power from the County Council to the Common Council, or from the Common Council to the County Council. [*See s. 28.*]

6.—(1.) As from the appointed day the power and duty of maintaining any main road existing at the passing of this Act within a borough shall be transferred to the borough council, and the road shall vest in the borough council and shall cease to be a main road. [*See 51 & 52 Vict. c. 41, s. 11.*]

Additional powers and duties of borough councils.

(2.) Where a highway in a borough is repairable by the London County Council by reason of its being the roadway or footway of a bridge, embankment, or otherwise, the borough council shall, if so required by the County Council, undertake the maintenance and repair thereof in consideration of such annual payment by the County Council as may from time to time be agreed on, or in default of agreement be finally determined by the Local Government Board, and for the purpose of the undertaking the borough council shall have the same powers and be subject to the same duties and liabilities as if the highway were vested in them. [*See 35 & 36 Vict. c. lxvi. s. 3, and note thereon.*]

(3.) The power of a borough council to close or stop up a street under section eighty-four of the Metropolis Management Amendment Act, 1862, shall not require the sanction or allowance of the London County Council. Provided that before closing or stopping any such street the borough council shall give notice to the councils of any contiguous boroughs.

25 & 26 Vict. c. 102.

(4.) It shall be the duty of each borough council to enforce within their borough the byelaws and regulations for the time being in force with respect to dairies and milk, and with respect to slaughter-houses, knackers' yards, and offensive businesses, and for the purpose of performing this duty the borough council shall in all cases have the same powers of entry as they have in the case of slaughter-houses and knackers' yards, and if the council make default in performing this duty, the provisions of the Public Health (London) Act, 1891, shall apply as if the default were a default under that Act. [*See 54 & 55 Vict. c. 76, ss. 19, 20, 28, 100, and 101, and the Dairies, Cowsheds, and Milkshops Order 1885, Art. 13.*]

54 & 55 Vict. c. 76.

(5.) A borough council may, with the consent of the Local Government Board, alienate any land for the time being vested in the council, and the proceeds of the sale of any land sold by the council shall be applied in such manner as the Local Government Board sanction towards the discharge of any loan of the council or otherwise for any purpose for which capital may be applied by the council. [*See s. 32.*]

35 & 36 Vict.
c. 91.

(6.) A borough council shall have the same powers of promoting and opposing Bills in Parliament, and of prosecuting or defending any legal proceedings necessary for the promotion or protection of the interests of the inhabitants of their borough, as are conferred on borough councils outside London by the Borough Funds Act, 1872,* and the provisions of that Act shall extend to the council of a metropolitan borough as if that council were included in the expression "governing body" and the borough were a district in that Act mentioned.

Expenses
incidental
to transfer
of powers
or duties.

7.—(1.) Where any power or duty is transferred from the London County Council to a borough council or from a borough council to the London County Council by or under this Act, the borough council or County Council, as the case may be, shall defray as part of their ordinary expenses the expenses of and incidental to the power or duty, but the County Council shall contribute to the borough council, or the borough council to the County Council, in respect of those expenses, such amount, if any (whether capital or annual), and subject to such conditions, if any, as may—

(a) if the transfer is made by this Act, be agreed on between the councils within six months after the transfer, or in default of agreement be finally determined by the Local Government Board; and

(b) if the transfer is made by a Provisional Order, be fixed by the Order.

Provided that every borough council shall have an opportunity of making a representation to the Local Government Board as to the amount of any contribution under this section to another council, and if the amount is settled by agreement may, within three months from the date at which the agreement is notified to them, appeal against it to the Local Government Board, who may finally determine the amount.

(2.) Where the transfer is made by Provisional Order the amount of contribution from or to the County Council may be varied in each case to meet the circumstances of the case.

(3.) This section shall apply as if the Common Council of the City of London were the council of a metropolitan borough. [See s. 5 (4).]

Committees.
55 & 56 Vict.
c. 53.
56 & 57 Vict.
c. 11.

8.—(1.) Any committee appointed by a borough council for the purpose of the Public Libraries Acts, 1892 and 1893 may consist partly of persons not members of the council.

(2.) Every committee shall report their proceedings to the council, but, to the extent to which the council so direct, the acts and proceedings of the committee shall not require the approval of the council. Provided that a committee shall not raise money by loan or by rate, or spend any money beyond the sum allowed by the council.

(3.) Every borough council shall from time to time appoint a finance committee for regulating and controlling the finance of the council; and no order for payment of any sum, whether on account of capital or income, shall be made by a borough council except in pursuance of a resolution of the council passed on the recommendation of the finance committee; and any costs, debt, or liability exceeding fifty pounds shall not be incurred except upon a resolution of the council

* See Appendix.

passed on an estimate submitted by the finance committee. The notice of the meeting at which any resolution for the payment of any sum by the borough council (otherwise than for ordinary periodical payments) or any resolution for incurring any costs, debt, or liability exceeding fifty pounds will be proposed, shall state the amount of the said sum, costs, debt, or liability, and the purpose for which they are to be paid or incurred. Provided that the foregoing provisions shall not apply to payments made in pursuance of a precept from another authority.

(4.) Section fifty-seven of the Local Government Act, 1894,* 56 & 57 Vict. c. 73. which relates to joint committees, shall, with the substitution of the words Local Government Board for County Council therein, apply to borough councils as if they were district councils.

9.—(1.) All payments to and by the borough council shall be made to and by the borough treasurer, and all payments by the council shall, unless made in pursuance of the specific requirement of an Act of Parliament, or of an order of a competent court, be made in pursuance of an order of the council signed by three members of the finance committee present at the meeting of the council, and countersigned by the town clerk, and the same order may include several payments. Moreover, all cheques for payment of moneys issued in pursuance of any such order shall be countersigned by the town clerk, or by a deputy approved by the council. Payments to and by borough council.

(2.) Any such order may be removed into the High Court of Justice by writ of certiorari, and may be wholly or partly disallowed or confirmed on motion and hearing with or without costs according to the judgment and discretion of the court.

Rates, Overseers, and Audit.

10.—(1.) A scheme under this Act shall provide for all the expenses of a borough council being paid out of the general rate, and for the discontinuance of a separate sewers rate and separate lighting rate, but shall make provision for protecting the interests of owners and occupiers of any hereditament which is exempt from any rate or liable to be assessed thereto at a less amount than other hereditaments. Levy of rates. [See the *London (Rating) Scheme 1901.*]

(2.) After the appointed day the general rate and the poor rate shall be assessed, made, and levied together by the borough council as one rate, which shall be termed the general rate, and shall be assessed, made, collected, and levied, as if it were the poor rate, and all enactments applying or referring to the poor rate shall, subject to the provisions of this Act as to audit, be construed as applying or referring also to the general rate.

(3.) Where a borough comprises more than one parish, the amount to be raised to meet the expenses of the borough council, or other sums payable as part of those expenses, shall, subject to any provision required for the adjustment of local burdens, be divided between the parishes in proportion to their rateable value.

(4.) Where any of the adoptive Acts, or any local or other Act, does not extend to the whole borough, any rate required to meet the expenses incurred under the Act shall, subject to the provisions of any scheme under this Act, be levied together with, and as an additional item of, the general rate over the area to which the Act extends. [See the *London (Assessment Committees) Scheme 1902.*]

* See Appendix.

Provisions as to overseers and collection of rates.

11.—(1.) After the appointed day the council of each borough shall be the overseers of every parish within their borough, and shall appoint such officers as may be required to assist in the transaction of the business, and shall defray the expenses of and incidental to the performance of the duties, of overseers. Provided that the town clerk of each borough shall have the powers and duties and be subject to the liabilities of overseers with respect to the preparation of lists of voters and of jury lists in the borough, and any document required to be signed by overseers may be signed by the town clerk. [See s. 33.]

(2.) After the appointed day every precept issued by any authority in London for the purpose of obtaining money which is ultimately to be raised out of a rate within a borough, other than a precept sent to guardians by the Local Government Board or by a body containing representatives elected by the guardians, shall be sent to the council at their office, addressed to the council or to the town clerk. Any such precept, if so sent and addressed, shall be deemed to be personally served on the council, and shall be executed by them. "Precept" in this section includes any order, certificate, warrant, or other document of a like character, and the Local Government Board may settle the form of any precept as so defined.

(3.) After the appointed day all the rates collected in a metropolitan borough from any person by the council shall, as far as is practicable, be levied on one demand note, and the demand note shall be in a form approved by the Local Government Board, and shall state in manner provided in that form—

(a) the rateable value of the premises in respect of which the rate is levied : and

(b) the rate in the pound ; and

(c) the period for which the rate is made ; and

(d) the several purposes for which the rate is levied ; and

(e) the approximate amount in the pound required for each purpose (including, as far as is practicable, the proportionate amount of the estimated costs of and loss in collection) ; and

(f) any matter required by section two of the London (Equalisation of Rates) Act, 1894, or any other enactment, to be stated in the demand note.

57 & 58 Vict.
c. 53.

Incidence of
sewers rate
or its
equivalent.

12. As between landlord and tenant every tenant who, if this Act had not been passed, would have been entitled to deduct against or to be repaid by his landlord any sum paid by the tenant on account of the sewers rate, shall in like manner be entitled to deduct against or to be repaid by his landlord such portion of the general rate as represents the sewers rate.

Assessment
Committees.

32 & 33 Vict.
c. 67.

13. Where the whole of a poor law union is within one borough, the assessment committee shall, notwithstanding anything in section five of the Valuation (Metropolis) Act, 1869, be appointed by the borough council instead of by the board of guardians, and, where the borough comprises the whole of two or more unions, the council shall appoint only one assessment committee for those unions, and where the council appoint the assessment committee the town clerk shall act as the clerk to that committee.

Audit of
accounts.

14. After the appointed day the accounts of the council of every metropolitan borough, and of any committee appointed by the

council, and of their officers, including the accounts relating to the making, levy, and collection of any rate made by the council, shall be made up and audited in like manner and subject to the same provisions as the accounts of the London County Council, and the enactments relating to the audit of those accounts and to all matters incidental thereto and consequential thereon, including the penal provisions, shall apply accordingly. [*See 51 & 52 Vict. c. 41, s. 71.*]

Orders and Schemes.

15.—(1.) It shall be lawful for Her Majesty in Council to refer to a Committee of the Privy Council the appointment of Commissioners to prepare such Orders and schemes as are required for carrying this Act into effect, and the Committee may settle the Orders and schemes so prepared, and may employ such persons as they may deem necessary for the purposes of this Act.

Appointment of Commissioners and preparation of Orders and schemes.

(2.) Before any Order in Council forming an area into a borough is made under this Act, the draft thereof shall be laid before each House of Parliament for a period of not less than thirty days during the session of Parliament, and if either of those Houses before the expiration of those thirty days presents an address to Her Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft Order.

(3.) The Commissioners shall for the execution of their duties under this Act have the like powers as inspectors of the Local Government Board. [*See the Poor Law Act 1847, ss. 20 and 21 ; and the Local Government Board Act 1871, s. 2.*]

(4.) Any expenses incurred by the Committee under this Act shall, to the amount certified by the Treasury, be paid by the London County Council out of the county fund. [*See 51 & 52 Vict. c. 41, s. 68 (1).*]

16.—(1.) A scheme under this Act may make provision—

Provisions to be made by scheme.

(a) for any matters which under this Act are to be regulated by scheme ; and

(b) for any of the purposes, except police, for which a scheme may be made under Part Eleven of the Municipal Corporations Act, 1882,* so far as those purposes are consistent with this Act ; and

45 & 46 Vict. c. 50.

(c) for anything which may be done with respect to a parish by an order under section fifty-seven of the Local Government Act, 1888, or may be done under section thirty-three of the Local Government Act, 1894,* so, however, that parishes in different unions shall not be united except with the approval of the Local Government Board ; and

51 & 52 Vict. c. 41.
56 & 57 Vict. c. 73.

(d) for such adjustments as may be required for carrying into effect any of the provisions of this Act or for preventing any injustice with respect to the incidence of any rate or the discharge of any liability or otherwise, and in particular for such adjustments as may be required for the efficient maintenance of any libraries, baths, or washhouses, which have been maintained under the provisions of any of the adoptive Acts : and

* See Appendix.

- (e) for preserving, so far as may appear necessary or expedient, any right, power, exemption, or immunity heretofore exercised or enjoyed in respect of property belonging to or occupied by the Crown or any Government department; and
- (f) *For making such alterations in the boundaries of the electoral divisions for the purpose of school board elections as may be rendered necessary by any alteration in the area of the county of London. Spent.*

57 & 58 Vict.
ch. cexiii.

- (g) for repealing or modifying any local Act other than the London Building Act, 1894; and

- (h) for carrying into effect this Act or any Order in Council made thereunder;

and may contain any incidental, consequential, or supplemental provisions, which may appear to be necessary or proper for the purposes of the scheme.

(2.) In making adjustments by a scheme under this section, regard shall be had to any composition, contribution, or exemption, whether statutory or otherwise, which has heretofore existed in regard to any portion of any area dealt with under the scheme.

45 & 46 Vict.
c. 50.
48 & 49 Vict.
c. 38.

(3.) The provisions of the Municipal Corporations Act, 1882,* as amended by the School Boards Act, 1885, with respect to a scheme under Part Eleven of the first-mentioned Act, shall apply in the case of any scheme under this Act with the necessary modifications, and any governors or trustees of the poor or other similar body under a local Act shall be deemed, but the London County Council shall not be deemed, to be a local authority within the meaning of those provisions. There shall also be deemed to be local authorities within the meaning of the said provisions:—

- (a) the mayor, commonalty, and citizens, and the Court of Aldermen of the City of London, so far as relates to any powers exercisable by them or by officers appointed by them respectively within the ancient borough of Southwark; and
- (b) the Dean and Chapter of the Collegiate Church of St. Peter, Westminster, so far as relates to any powers of local government exercisable by them or their officers within the borough of Westminster, and the Court of Burgesses of the ancient city of Westminster.

(4.) Provided that notification in the London Gazette, and in such other manner as the Committee of Council may direct, of a draft scheme having been prepared or of a scheme having been settled, and of the place where copies of it can be inspected and obtained, shall be substituted for publication of the draft scheme or scheme in the London Gazette or in the manner required by the Seventh Schedule to the Municipal Corporations Act, 1882.*

45 & 46 Vict.
c. 50.

Rules as to
boroughs
and parishes.

17.—(1.) Every part of the administrative county of London outside the City shall be situate in some borough and some parish, and a parish shall not be situate in more than one borough, or partly in a borough and partly in the City.

(2.) An Order in Council under this Act may divide a parish or place into parts for the purpose of giving effect to this section or of constituting a satisfactory area for a borough, and, unless otherwise provided by the Order or by a scheme under this Act, each part shall be a separate parish.

* See Appendix.

18.—(1.) Every part of a parish in London which is wholly detached from the principal part of the parish shall by an Order in Council under this Act be annexed to or divided between any of the boroughs which it adjoins, and be either constituted a separate parish or be annexed to or divided between any of the parishes which it adjoins, so however that the provisions of this Act with respect to a parish not being situate in more than one borough shall be observed.

Detached
parts of
parishes.

Provided that if the Commissioners under this Act make a special report to Parliament that by reason of anything done under any of the adoptive Acts, or for any other exceptional reason, it is impracticable to deal with a detached part of a parish in manner required by the foregoing provisions of this section, those provisions shall not apply.

And further provided that the foregoing provisions of this section shall not apply to the hamlet of Knightsbridge.

(2.) Where the county of London surrounds a detached part of a parish in another county, the foregoing provisions shall apply, and the detached part shall for all purposes become part of the county of London and of the appropriate county electoral division. [*See the London (Mitcham Detached) Order in Council 1900, and the London (South Hornsey) Scheme 1900*].

(3.) Where a detached part so becomes part of the county of London, and is part of any urban district the remainder of which adjoins the county of London, the whole of the district may, by Order in Council, if it seems expedient after considering all the circumstances of the case, be added to and form for all purposes part of the county of London and of the appropriate borough.

(4.) Where a detached part of a parish in the county of London is wholly surrounded by any other county, the detached part shall for all purposes become part of that county, and where a detached part as aforesaid is surrounded by more than one county, that detached part shall become part of such county as shall be determined by Order in Council under this Act, and every such detached part shall, by Order in Council, be either constituted a separate parish or annexed to or divided between any parish or parishes which it adjoins, and be added to the appropriate county district and county electoral division. [*See the London (Putney Detached) Order in Council 1900, and the London (Clerkenwell Detached) Order in Council 1900*].

(5.) Nothing in this section shall apply to the City of London.

(6.) The London County Council and the council of any adjoining county shall be entitled to be heard on any alteration or proposed alteration of the area of the county of London.

19.—(1.) A scheme under this Act shall provide for placing Woolwich under the general law applying to metropolitan boroughs, and for the repeal of the application thereto of the provisions of the Public Health Acts and other enactments not applying to London, and for the application thereto of the Metropolis Management Acts, 1855 to 1893, and other enactments applying to London. [*See the Borough of Woolwich Order in Council 1900*].

Application
of Act to
Woolwich.

(2.) Subject to the provisions of any such scheme, this Act shall apply to Woolwich in like manner as if the local board of health thereof were an administrative vestry.

(3.) Nothing in this Act shall prevent the council of any borough consisting of or comprising Woolwich from continuing to make any

contribution for the purpose of technical education hitherto made by any local authority, or from exercising any existing powers of carrying on a market. [*See (as to education) 2 Edw. 7, c. 42, 3rd Sch. (11), and 3 Edw. 7, c. 24, 1st Sch. para. (1) (b); and (as to markets) the Public Health Act 1875, ss. 166—168, and the Woolwich Borough Council Act 1903, s. 4.*]

Special provision as to Penge.

20.—(1.) An Order in Council under this Act may either annex Penge to the borough of Lewisham or to the borough of Camberwell, or separate it from the county of London and make it form part of the county of Surrey or of the county of Kent, and if it is so separated shall provide for constituting it an urban district, or for adding it to an adjoining county borough or urban district, and if necessary shall determine the county electoral division to which it is to belong. [*See the Penge Order in Council 1900.*]

(2.) A scheme under this Act shall make such provision as may be necessary for the apportionment and transfer of property and liabilities, and for the repeal of the application to Penge of the Metropolis Management Acts, 1855 to 1893, and any other enactments applying to London, and for the application thereto of the Public Health Acts and other enactments not applying to London. [*See the Penge Scheme 1900.*]

Provision as to Kensington Palace.

21. An Order in Council under this Act may detach Kensington Palace from the borough of Westminster* and attach it to the borough of Kensington.† [*See the Borough of Kensington Order in Council 1900.*]

Provision as to the Temples.

22. The places known as the Inner and Middle Temples shall for the purposes of this Act be deemed to be within the city of London.

Supplemental.

Church affairs and charities.

23.—(1.) Nothing in this Act shall transfer to a borough council any powers or duties of a vestry which relate to the affairs of the Church or any interest of a vestry in any church property, or shall make any incumbent or churchwarden an ex-officio member of a borough council, and a scheme under this Act shall provide for vesting any such powers and duties in the inhabitants of some parish or ecclesiastical district, and for vesting any such interest in the incumbent and churchwardens or one or some of them, and for the collection of any rate connected with a church or an incumbent by the churchwardens, or by officers appointed for the purpose.

(2.) Provided that any building which belongs to any body whose powers and duties are transferred to any borough council by or under this Act, and which has been erected wholly or partly on a churchyard shall, with its appurtenances, be transferred to and vest in the council, subject to such right of use for church purposes as may be given by the scheme.

(3.) As from the appointed day, the churchwardens of every parish within a metropolitan borough shall cease to be overseers, and references in any Act to the churchwardens and overseers of any such parish shall, except so far as those references relate to the affairs of the Church, be construed as references to the council of the borough comprising the parish, and the legal interest in all

* Now the City of Westminster. See Letters Patent dated 27th October 1900.

† Now the Royal Borough of Kensington. See Letters Patent dated 18th November 1901.

property vested either in the overseers or churchwardens and overseers of any such parish (other than property connected with the affairs of the Church or held for an ecclesiastical charity within the meaning of the Local Government Act, 1894), shall, subject to the provisions of any scheme under this Act, vest in the borough council. 56 & 57 Vict. c. 73.

(4.) Provision shall be made by scheme under this Act for substituting nominees of the borough council for overseers as trustees of any charity, due regard being had to the area benefited by the charity.

(5.) The Charity Commissioners shall, for the purposes of this Act, have the like powers with respect to charities, subject to the like appeal, as they have under and for the purposes of the Local Government Act, 1894. [*See the Local Government Act 1894, s. 70 (2). (See Appendix.)*]

(6.) Nothing in this Act shall affect the right to the benefit of any charity, or shall alter or confer any power of altering the defined charitable purposes (if any) to which any property is by law applicable at the passing of this Act.

24. With respect to a mayor of a borough being by virtue of his office a Justice of the Peace— Mayors of boroughs as Justices of the Peace.

(1) he shall become a Justice of the Peace for the county of London ;

(2) he shall not be disqualified by reason of being a solicitor practising or carrying on business in the county of London or city of London ;

(3) he shall not practise as a solicitor before any Justices of the county of London.

25. In case of the illness or absence of the town clerk, the borough council may appoint a deputy town clerk to hold office during their pleasure, and all things required or authorised by law to be done by or to the town clerk may be done by or to the deputy town clerk, and no defect in the appointment of a deputy shall invalidate his acts. [*See ss. 4 (1), 11 (1), and 27 (2).*] Deputy town clerk.

26.—(1.) Whenever the Local Government Board is satisfied that a *prima facie* case is made out for a proposal for the alteration of the number of wards of a metropolitan borough, or of the boundaries of any ward, or of the apportionment of the members of the council among the wards, the Local Government Board may cause such inquiry to be made and such notices to be given as they may think expedient ; and if satisfied that the proposal is desirable, may make an order accordingly. Alteration of wards.

(2.) Notice of the provisions of the order shall be given, and copies thereof shall be supplied, in such manner as the Local Government Board may direct.

(3.) The expenses of and incidental to the making of the order shall be paid by the borough council.

27.—(1.) An Order in Council under this Act shall—

(a) give each of the metropolitan boroughs an appropriate name ;

Provisions as to names, first elections, etc.

(2.) An Order in Council under this Act may make such provisions as appear necessary for adapting the enactments relating

to the registration of electors to the provisions of this Act with respect to the powers and duties of the town clerk and overseers, and in particular for applying, so far as appears necessary, the law regulating the registration of electors in a municipal borough outside London.

[Part omitted (provisions as to date of retirement of the first aldermen and councillors, and as to the first meeting of the borough councils) spent. See also the London Registration Order in Council 1901.]

(3.) *[Provision to be made by an Order in Council for the revised list of voters coming into operation in 1900 for the purpose of borough elections on 1st November 1900, and for adjustments of such lists. Spent.]*

(4.) On the day on which the first borough councillors elected under this Act come into office, the persons who are then members of elective vestries or district boards, and the auditors and overseers of any place to be included in a borough, shall cease to hold office, and until that day the persons who are at the passing of this Act members of elective vestries and district boards, and auditors and overseers, shall continue in office as if the term of office for which they were elected or appointed expired on that day, and, except for the purpose of filling casual vacancies, no further election or appointment shall be held or made.

Provisional
Orders and
proceedings
of Local
Government
Board.
38 & 39 Vict.
c. 55.

28.—(1.) Sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875,* shall apply to any Provisional Order made under this Act as if it were a Provisional Order made under that Act, except that the expenses incidental to the Provisional Order shall be defrayed by the councils concerned in such proportions as the Local Government Board may determine.

51 & 52 Vict.
c. 41.

(2.) Sub-sections one and five of section eighty-seven of the Local Government Act, 1888, shall apply to any proceedings of the Local Government Board under or for the purposes of this Act.

31 & 32 Vict.
c. 119.

(3.) Where the Local Government Board are authorised by this Act to determine any matter, it shall be at their option to determine the matter as arbitrators or otherwise, and, if they elect to determine the matter as arbitrators, the provisions of the Regulation of Railways Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply as if they were herein re-enacted and in terms made applicable to the Local Government Board and the determination of matters under this Act.

Proceedings
in case of
doubts as to
transfer of
powers.

29. If any question arises, or is about to arise, as to whether any power, duty, or liability is or is not transferred by or under this Act to the council of any metropolitan borough, or any property is or is not vested in any such council, that question, without prejudice to any other mode of trying it, may, on the application of the council, be submitted for decision to the High Court in such summary manner as, subject to any rules of court, may be directed by the court; and the court, after hearing such parties and taking such evidence (if any) as it thinks just, shall decide the question.

Existing
officers.

30.—(1.) Where the powers and duties of any authority are transferred by or under this Act to any borough council, the existing officers of that authority shall be transferred to and become the

* See Appendix.

officers of that council. Any assistant overseers, rate collectors, and other officers employed in the performance of duties of overseers within a borough shall also be transferred to and become officers of the council for that borough. The council may abolish the office of any such officer whose office they may deem unnecessary; but any officer required to perform duties such as are not analogous, or which are an unreasonable addition to those which he is at present required to perform, may relinquish his office, and any officer so relinquishing his office, or whose office is abolished, shall be entitled to compensation under this Act.

(2.) Sub-sections four and seven of section eighty-one of the Local Government Act, 1894,* shall apply to the existing officers affected by this Act as if references in those sub-sections to the district council were references to the borough council, and all expenses incurred by the borough council in pursuance of those sub-sections shall be paid out of the general rate: Provided that the borough council may, if it thinks fit, take into account continuous service under any authority or authorities to which this Act refers, in order to calculate the total period of service of any officer entitled to compensation under this Act. 56 & 57 Vict.
c. 73.

(3.) For the purposes of this section "existing officers" shall mean officers holding office on the twenty-fourth day of February one thousand eight hundred and ninety-nine and also at the passing of this Act.

(4.) A scheme under this Act may make such provisions as may appear necessary for carrying this section into effect, and if necessary for determining the authority to whom any existing officer is to be transferred, and for applying the provisions of this section to any officer who suffers pecuniary loss by reason of anything in or done under this Act, although he is not transferred to a borough council, and although he is not an officer of an authority whose powers and duties are transferred by or under this Act, and for determining in any such case the fund out of which compensation is to be paid. [*See the London (Existing Officers) Scheme 1900.*]

31.—(1.) Where any Act passed before the passing of this Act contains expressions referring to a borough, those expressions shall not be construed as referring to a metropolitan borough created by this Act unless applied thereto by or under the provisions of this Act or of any subsequent enactment. Construction
of Acts and
savings.

(2.) Any enactment in any Act, whether general or local, referring to an authority whose powers or duties are transferred by or under this Act to a borough council shall be construed with the necessary modifications, including the substitution of the borough council for that authority and of the borough for the area of that authority.

(3.) Nothing in or done under this Act shall be construed as altering the limits of any parliamentary borough or parliamentary county.

(4.) Except so far as the areas of parishes and sanitary districts are altered by or under this Act, nothing in this Act shall affect the London (Equalisation of Rates) Act, 1894.

57 & 58 Vict.
c. 53.

* See Appendix.

(5.) Nothing in this Act, or in any order or scheme under this Act, shall abridge, alter, or affect the powers, rights, duties, or jurisdiction of the School Board for London over the area which for the time being constitutes the administrative county of London. [See 2 *Edw. 7, c. 42*, and 3 *Edw. 7, c. 24*.]

Borough
councils not
to alienate
open spaces.

32. Nothing in this Act shall authorise any borough council to alienate any recreation ground or other open space dedicated to the use of the public, or any land held on trusts which prohibit building thereon. [See *s. 6 (5)*.]

Appointed
day and
transitory
provisions.

33.—(1.) For the purposes of this Act the appointed day shall be the day on which the members of the borough councils first elected under this Act come into office, or such other day not being more than six months earlier or later, as the Lord President of the Council may appoint, either generally, or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections, or for different boroughs.

56 & 57 Vict.
c. 73.

(2.) Subject to the provisions of any scheme under this Act, and to such adaptations as may be made by Order in Council, sections eighty-five to eighty-eight of the Local Government Act, 1894 (which contain transitory provisions), shall apply in the case of boroughs and borough councils under this Act. [See the *London (Adaptation of Enactments) Order in Council 1900*.]

Definitions.

34. In this Act, unless the context otherwise requires,—

The expression “administrative vestry” means a vestry having the powers of a vestry elected for a parish specified in Schedule A. to the Metropolis Management Act, 1855; and the expression “elective vestry” means any vestry elected under the Metropolis Management Act, 1855:

18 & 19 Vict.
c. 120.

The expression “rateable value” shall include the value of Government property upon which a contribution in lieu of rates is paid:

51 & 52 Vict.
c. 41.

The expression “powers,” “duties,” “property,” “liabilities,” and “powers, duties, and liabilities,” have respectively the same meanings as in the Local Government Act, 1888: [See 51 & 52 *Vict. c. 41, s. 100*.]

The expression “adoptive Acts” means the Baths and Wash-houses Acts, 1846 to 1896, the Burial Acts, 1852 to 1885, and the Public Libraries Acts, 1892 and 1893:

The expression “local Act” includes a provisional order confirmed by an Act, and the Act confirming the order; and the expression “enactment” includes a provision of any such order.

Short title
and repeal.

35.—(1.) This Act may be cited as the London Government Act, 1899.

(2.) As from the appointed day the enactments mentioned in the Third Schedule to this Act shall be repealed to the extent in the third column of that schedule mentioned.

SCHEDULES.

FIRST SCHEDULE.

AREAS WHICH ARE TO BE BOROUGHES.

The parishes of—

Battersea.
Bethnal Green.
Camberwell.
Chelsea.
Fulham.
Hackney.
Hammersmith.
Hampstead.

Islington.
Kensington.
Lambeth.
Paddington.
St. Marylebone.
St. Pancras.
Shoreditch.

The area consisting of the parishes of Mile End Old Town and St. George's-in-the-East and the districts of the Limehouse and Whitechapel Boards of Works including the Tower of London and the liberties thereof.

The district of the Poplar Board of Works.

The district of the Wandsworth Board of Works.

The area consisting of the parishes of St. George the Martyr, Christchurch, Southwark, St. Saviour, Southwark, and Newington.

The area consisting of the parishes of Rotherhithe, Bermondsey, Horselydown, and St. Olave and St. Thomas, Southwark.

The area of the parliamentary division of Holborn.

The area consisting of the parliamentary divisions of East and Central Finsbury.

The area of the parliamentary borough of Deptford.

The area of the parliamentary borough of Greenwich.

The area of the parliamentary borough of Lewisham.

The area of the parliamentary borough of Woolwich.

The area of the ancient parliamentary borough of Westminster, comprising the parishes of St. Margaret and St. John, Westminster, the parish of St. George, Hanover Square, the parish of St. James, Westminster, the parish of St. Martin-in-the-Fields and the district of the Strand Board of Works, and including the Close of the Collegiate Church of St. Peter, Westminster, and the Liberty of the Rolls.

The area consisting of the parish of Stoke Newington and of the urban district of South Hornsey, or so much thereof as may be incorporated with the county of London under this Act.

SECOND SCHEDULE.

PART I.

MINOR POWERS AND DUTIES TO BE TRANSFERRED FROM COUNTY COUNCIL.

Powers and Duties transferred.	Conditions of Transfer.
Power under section eighty-four of the London Building Act, 1894, to license the setting up of wooden structures, and power to take proceedings for default in obtaining or observing the conditions of a licence under that section.	
Power under section one hundred and thirty-four of the London Building Act, 1894, in relation to the removal of unauthorised sky signs.	Subject in case of default to the provisions of the Public Health (London) Act, 1891, as if the default were a default under that Act.*
Powers under section one hundred and ninety-nine of the London Building Act, 1894, which section relates to the removal of obstructions in streets.	
Power under section twenty-eight of the Public Health (London) Act, 1891, of registering dairymen.	Subject to the power of the London County Council to make byelaws, and in case of default to the provisions of the Public Health (London) Act, 1891, as if the default were a default under that Act.*

* See 54 & 55 Vict. c. 76, ss. 110 & 101.

PART II.

Section 5(2). POWERS OF COUNTY COUNCIL TO BE EXERCISED ALSO BY BOROUGH COUNCILS.

	Powers exercisable.	Conditions of Exercise.
57 & 58 Vict. c. cxiii.	Power under section one hundred and seventy of the London Building Act, 1894, which section relates to the demolition of buildings in case of the conviction for an offence against the Act, or byelaws made under it.	The power to be exercised only where the borough council have obtained the conviction.
	Power to take proceedings in respect of timber or other articles piled, stacked, or stored in contravention of section one hundred and ninety-seven or section two hundred (11) (h) of the London Building Act, 1894.	The power to be exercised only within the borough.
34 & 35 Vict. c. 113.	Powers under sections seventeen to twenty-five of the Metropolis Water Act, 1871,* with respect to regulations of water companies.	The power to be exercised only with respect to a water company supplying any part of the borough.
51 & 52 Vict. c. 25.	Power under section seven of the Railway and Canal Traffic Act, 1888 to make or appear in opposition to certain complaints.	
51 & 52 Vict. c. 41.	Powers under section sixty-five of the Local Government Act, 1888, which section relates to the acquisition of land.	The power to be exercised only where the land is required for the purpose of any of the powers or duties of the borough council.
53 & 54 Vict. c. 70.	* Power to adopt Part III. of the Housing of the Working Classes Act, 1890.	The power to be exercised only within the borough.
45 & 46 Vict. c. 50.	Power to make byelaws under section twenty-three of the Municipal Corporations Act, 1882, as applied by section sixteen of the Local Government Act, 1888.	The byelaws to be in force only within the borough and not to be inconsistent with any byelaws made by the County Council.
51 & 52 Vict. c. 41.		

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
6 & 7 Vict. c. 18.	The Parliamentary Voters (Registration) Act, 1843.	In section fifty-six, the words "or to the town clerk of the borough of Southwark" and the words "and in regard to the borough of Southwark the high bailiff of the said borough."
18 & 19 Vict. c. 120.	The Metropolis Management Act, 1855.	Sections two and three. Section five. Section seven. Section eight, from the beginning to "shall be elected and," and the words "with such other persons as herein-before mentioned." Sections eleven and twelve. Section twenty-eight to "every such meeting." Section twenty-nine. Sections thirty-one to forty-two. Sections fifty-five and fifty-six. Sections fifty-seven, fifty-eight, sixty, sixty-one and sixty-six, so far as they relate to district boards and their districts, and section fifty-eight, from "Provided always" to the end of the section.

* See Appendix.

Session and Chapter.	Short Title.	Extent of Repeal.
18 & 19 Vict. c. 120 — <i>cont.</i>	The Metropolis Man- agement Act, 1855 — <i>cont.</i>	<p>Section ninety-one, from “save as regards” to “any of the said Acts; and.”</p> <p>Section one hundred and fifty-four, from “may sell and dispose of any land” to “just; and any such board or vestry,” except in so far as it applies to the Metropolitan Board of Works.</p> <p>Section one hundred and fifty-eight, from “but every such vestry.”</p> <p>Sections one hundred and sixty-one to one hundred and sixty-five.</p> <p>Sections one hundred and sixty-six to one hundred and sixty-nine.</p> <p>Sections one hundred and seventy-two to one hundred and seventy-four.</p> <p>Sections one hundred and seventy-five to one hundred and seventy-nine.</p> <p>Sections one hundred and ninety-two to one hundred and ninety-seven.</p> <p>In section one hundred and ninety-eight, the words “the said account in abstract” to “printed therewith,” and the words “account in abstract, statement, and” wherever they occur.</p> <p>In section one hundred and ninety-nine, the words “according to the provisions of this Act.”</p> <p>Section two hundred and thirty-seven, from “nor shall such parts” to “cleansing.”</p> <p>Section two hundred and thirty-eight.</p>
25 & 26 Vict. c. 102.	The Metropolis Man- agement Amend- ment Act, 1862.	<p>In section eight, the words “and the precepts for obtaining payment of moneys required by the board for that purpose.”</p> <p>Sections nine to twelve.</p> <p>Section fourteen.</p> <p>Section fifteen, so far as it relates to vestries and district boards.</p> <p>Section sixteen.</p> <p>Section thirty-seven, so far as it relates to district boards.</p> <p>Section thirty-eight.</p> <p>Section forty.</p> <p>Section forty-one.</p> <p>In section fifty-six, the words “out of the sewers rate to be levied in their parish or district.”</p> <p>In section eighty-four, the words “with the previous sanction of the Metropolitan Board of Works” and the words “allowed by the Metropolitan Board.”</p> <p>The forms of precept in Schedule C.</p>
48 & 49 Vict. c. 23	The Redistribution of Seats Act, 1885.	In section twelve the words “and also the town clerk for the new borough within the meaning of the Registration Acts.”
54 & 55 Vict. c. 76 .	The Public Health (London) Act, 1891.	Sections one hundred and two and one hundred and forty, and the second Schedule.
55 & 56 Vict. c. 53 .	The Public Libraries Act, 1892.	Section twenty-two.

Session and Chapter.	Short Title.	Extent of Repeal.
56 & 57 Vict. c. 73 .	The Local Government Act, 1894.	In section thirty-one, the words "the local board of Woolwich and"; the words "and the auditors for parishes elected under those Acts, and so far as respects the qualification of persons to be elected as if members of the district boards under the said Acts," and the words "and no person shall ex officio be chairman of any of the said vestries"; and sub-section (2). At the end of section forty-six, the words "and in the case of London auditors as if they were members of a district council." In section forty-eight, sub-section (4), the words "and of members of the local board of Woolwich"; and in sub-section (5), the words "local board or " and "or auditor."
56 & 57 Vict. c.cxxxi.	The London County Council (General Powers) Act, 1893.	Section fifteen.
58 & 59 Vict. c.cxxvii.	The London County Council (General Powers) Act, 1895.	Section forty-two.

CHAPTER 15.

AN ACT TO AMEND THE PROVISIONS OF THE METROPOLIS MANAGEMENT ACTS WITH RESPECT TO BYELAWS. [1st August 1899.]

Short title.

1. This Act may for all purposes be cited as the Metropolis Management Acts Amendment (Byelaws) Act, 1899.

Powers as to byelaws.

2. The powers of the London County Council for making byelaws under section two hundred and two of the Metropolis Management Act, 1855, shall extend and apply to authorise the Council to make byelaws for the following purpose :

18 & 19 Vict.
c. 120.

Requiring persons about to construct, reconstruct, or alter the pipes, drains, or other means of communicating with sewers, or the traps and apparatus connected therewith, to deposit with the sanitary authority of the district such plans, sections, and particulars of the proposed construction, reconstruction, or alteration as may be necessary for the purpose of ascertaining whether such construction, reconstruction, or alteration, is in accordance with the statutory provisions relative thereto, and with any byelaws made under the said section.

Provided that any such byelaws shall not require the deposit of any plan or section in the case of any repair which does not involve the alteration or the entire reconstruction of any such pipe, drain, or other means of communicating with sewers, or the traps and apparatus connected therewith.

Provided that any such byelaws shall not require the deposit of plans, sections, and particulars before the work is commenced in any case in which the alteration of the drains must be carried out at once, but the byelaws may require such deposit to be made within a limited time from the commencement of the work.

3. For the purpose of the byelaws under this Act, and of such byelaws under the Metropolis Management Acts as are referred to in the Schedule to this Act, section two hundred and two of the Metropolis Management Act, 1855, shall be read and have effect as if the Local Government Board were therein mentioned instead of one of Her Majesty's Principal Secretaries of State.

Approval of
byelaws.

SCHEDULE.

Session and Chapter.	Short Title.	Extent of Transfer of Byelaws.
18 & 19 Vict. c. 120.	Metropolis Management Act, 1855.	Section 138 of the Act of 1855 and section 83 of the Act of 1862. Byelaws for the guidance, direction, and control of vestries and district boards and all other persons in relation to the levels, dimensions, construction, alteration, maintenance, ventilation, and cleansing of sewers, and for securing the proper connexion and intercommunication of the sewers of the several parishes and districts, and their communications with the main sewers vested in the London County Council, and generally for the guidance, direction, and control of vestries and district boards in the exercise of their powers and duties in relation to sewerage.
25 & 26 Vict. c. 102.	Metropolis Management Amendment Act, 1862.	
18 & 19 Vict. c. 120.	Metropolis Management Act, 1855.	Section 202. Byelaws for regulating the material of the pavement and roadway of new streets and roads, and the dimensions, form, and mode of construction, and the keeping, cleansing, and repairing of the pipes, drains, and other means of communicating with sewers and the traps and apparatus connected therewith.

CHAPTER 26.

AN ACT TO AMEND THE LAW WITH RESPECT TO THE SALARIES AND ALLOWANCES OF THE COMMISSIONER, RECEIVER, AND ASSISTANT COMMISSIONERS OF THE METROPOLITAN POLICE.

[9th August 1899.]

1.—(1.) There shall be paid to the Commissioner of Police of the Metropolis and to the Receiver of the Metropolitan Police District, out of money provided by Parliament such salaries as the Secretary of State with the approval of the Treasury may appoint. [See 10 *Geo.* 4, *c.* 44, *s.* 10, and 19 & 20 *Vict.* *c.* 2, *s.* 1.]

Amendment
of law as to
remunera-
tion of
Commis-
sioner, etc.
of Metro-
politan
Police.

(2.) There shall be paid to the Assistant Commissioners of Police of the Metropolis such salaries as the Secretary of State may appoint, and those salaries shall be paid either out of money provided by Parliament, or out of the Metropolitan Police Fund, or apportioned between money provided by Parliament and the Metropolitan Police Fund in such manner as the Secretary of State with the approval of the Treasury may appoint. Provided that the amount to be paid out of money to be provided by Parliament shall

not exceed the sum of one thousand two hundred pounds in any one year. [See 19 & 20 Vict. c. 2, s. 2, and 47 & 48 Vict. c. 17, s. 2.]

(3.) This Act shall not, except so far as it relates to the funds from which salaries are payable, apply to any existing officer who within one month from the passing of this Act, signifies in writing to the Secretary of State his desire to continue to receive the salary and allowances of which he was in receipt on the first day of January one thousand eight hundred and ninety-nine in lieu of the salary appointed under this Act, and shall not affect any salary payable to any existing officer as registrar of anthropometric measurements.

(4.) Subject to the foregoing provisions as to existing officers, the enactments specified in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

(5.) This Act shall come into operation on the first day of October, eighteen hundred and ninety-nine.

Short title.

2. This Act may be cited as the Metropolitan Police Act, 1899, and may be cited with the Metropolitan Police Acts, 1829 to 1895.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of repeal.
2 & 3 Vict. c. 71.	The Metropolitan Police Courts Act, 1839.	Section nine.
19 & 20 Vict. c. 2.	The Metropolitan Police Act, 1856	Section three.
30 & 31 Vict. c. 39.	The Metropolitan Police (Receiver) Act, 1867.	Section two.
31 & 32 Vict. c. 67.	The Police Rate Act, 1868	Section three.
47 & 48 Vict. c. 17.	The Metropolitan Police Act, 1884	The proviso to section two. Sub-section one of section three.

CHAPTER CCXXXVII.

AN ACT TO ENABLE THE LONDON COUNTY COUNCIL TO CONSTRUCT RAILWAY SIDINGS AT HORTON ASYLUM (SURREY) AND TO PURCHASE LANDS FOR VARIOUS PURPOSES TO EXTEND THE TIME LIMITED FOR THE PURCHASE OF CERTAIN LANDS AND THE COMPLETION OF CERTAIN WORKS AND FOR OTHER PURPOSES.

[9th August 1899.]

[Preamble.]

PART I.—INTRODUCTORY.

Short title.

1. This Act may be cited as the London County Council (General Powers) Act 1899.

Interpretation.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something

in the subject or context repugnant to such construction (that is to say):—

“The Council” means the London County Council.

[Part omitted (as to meaning of certain words in Acts incorporated and in this Act) spent.]

3. [Incorporation of the Lands Clauses Acts, and with reference to the sidings authorised by this Act, the Railways Clauses Consolidation Act 1845, and Part 1. of the Railways Clauses Act 1863. Spent.]

PART II.—CONSTRUCTION OF WORKS. PURCHASE OF LANDS.

4. [Power to the Council to make railway sidings at Horton Asylum, Surrey. Lapsed. The powers under this section were not exercised.]

5—8. [Provisions relating to the construction of the railway sidings. Lapsed.]

9. Subject to the provisions of this Act the Council may purchase and take the lands in the county of London herein-after described delineated on the deposited plans and described in the deposited book of reference viz.:—

Purchase of
lands for
various
purposes.

For the purposes of the Metropolitan Fire Brigade Act 1865—

- (1) Lands in the parish of Saint Mary Battersea on the north-west side of Chatham Road near its intersection with Northcote Road comprising the premises numbered 61 63 65 67 69 and 71 Chatham Road ;
- (2) Lands in the parish of Paddington bounded on the south-west by Pickering Place and on the north-east by Pickering Mews comprising the premises numbered 38 39 40 and 41 Pickering Place and 7 8 and 9 Pickering Mews ;
- (3) Land in the parishes of Saint John Hampstead and Saint Marylebone on the north-eastern side of Maida Vale near the junction of Maida Vale with Kilburn Priory and High Road comprising the premises numbered 138 Maida Vale ;
- (4) Lands in the parish of Saint George-the-Martyr Southwark situate on the north-western side of the Old Kent Road Fire Brigade Station of the Council comprising the premises numbered 306 Old Kent Road ;
- (5) Lands in the parish of Saint Leonard Bromley situate to the south-westward of and adjoining the Bow Fire Brigade Station of the Council comprising the premises numbered 10 and 11 Glebe Road ;
- (6) Lands in the hamlet of Mile End Old Town at the intersection of Baggallay Street and Burdett Road on the southern side of Baggallay Street and the north-eastern side of Burdett Road comprising the premises numbered 8 Baggallay Street and 139 141 143 and 145 Burdett Road ;
- (7) Lands in the parish of Saint Pancras situate on the north-eastern side of Euston Square and the north-western side of Euston Road where it joins the said square on the north-eastern side comprising the premises numbered 69 and 69A Euston Square and 174 Euston Road ;
- (8) Land in the parish of Saint Matthew Bethnal Green situate to the northward of and adjoining the Bethnal Green Fire Brigade Station of the Council comprising the premises numbered 4 Chester Place ;

For the purposes of or connected with the gas meter testing station at Westminster—

- (9) Land in the parish of Saint John-the-Evangelist Westminster forming the site of the present gas meter testing station of the Council and situate between the rear of houses and land abutting on Great Smith Street and Saint Ann's Street.

Purchase
of the
Brickfield
Limehouse.

10. Subject to the provisions of this Act the Council may purchase and take the land herein-after described delineated on the deposited plans and described in the deposited book of reference for the purposes of an open space viz.:—

Land in the parish of Saint Anne Limehouse and county of London known as the Brickfield Limehouse bounded on the south and east by the rear of houses in Dixon Street and Locksley Street on the north by the southern end of Dora Street and on the west partly by the end of Endive Street and partly by the Standard Saw Mills property.

11—18. [*Power to the Council to purchase lands for substituted sites—As to acquisition of easements—Errors and omissions in plans—Power to the Council to enter and survey lands to be taken—As to arbitration—Periods for purchase of lands and for completion of railway sidings limited to 3 and 5 years respectively—Power to the Council to sell materials.* Spent.]

Power to
lease surplus
lands.

*19. The Council may when and as they shall think fit so to do demise and lease any lands acquired by them under this Act and not required for the purposes of this Act or such parts thereof as the Council shall think it expedient to let on building leases either altogether or in parcels to any person or persons who shall erect and build or covenant and agree to erect and build thereon or on any part thereof houses erections or buildings of such size or class of building and upon such plan and elevation and of such height and with such storeys as the Council shall think proper for such term or number of years as they may think fit so as there be reserved in every such demise or lease such peppercorn or other yearly rent to be incident to the immediate reversion of the premises therein comprised as to the Council shall seem reasonable and so that in every such demise or lease there be contained a covenant for the payment of the rent thereby to be reserved and such other covenants on the part of the tenant or lessee to be therein named as the Council shall reasonably be advised or require and also a clause in the nature of a condition of re-entry on non-payment of the rent thereby to be reserved or on non-observance or non-performance of the covenants therein to be contained on the part of the tenant or lessee to be observed and performed and every such tenant or lessee shall give such good and sufficient security for the erecting finishing and completing of every such house erection and building which he shall covenant or agree to erect within the time in which he shall have contracted to finish the same as the Council shall order and direct and the Council may if they think fit accept and take any fine or premium for the granting of any lease and may enter into any agreement for the granting of any lease of such lands or such parts thereof and may in any such lease or agreement for a lease give to the lessee or intended lessee an option or right to purchase

* There are no surplus lands acquired under this Act, but these sections are inserted having regard to s. 23.

the fee simple in reversion in the premises leased or agreed to be leased together with all houses erections or buildings thereon at the time of the exercise of such option at such time and on such terms and conditions as they may think fit and on granting leases in pursuance of such agreements may alter the amount of the rents agreed to be reserved in such leases and may apportion the same and grant separate leases of any part of the hereditaments by any such agreement agreed to be leased as the Council think fit and may also alter or rescind any agreement as aforesaid and may accept any surrender of any lease in all respects as the Council shall think fit and any part of the said lands may be appropriated for and left as yards or courts to be attached to any houses agreed to be leased as the Council shall think fit.

*20. Subject to the provisions of this Act the Council may sell and dispose of or cause to be sold and disposed of the ground rents to be reserved by the leases or demises or agreed to be reserved by any agreements for leases of any lands made under the authority of this Act and also the fee simple in reversion in such lands and in the houses erections or buildings thereon either altogether or in parcels by public auction or by private contract for such price or prices or sum or sums of money as the Council shall think reasonable and subject to such stipulations and provisions for the enjoyment thereof and as to the nature of the buildings which are to be at all times erected and built thereon and also subject to such stipulations as to the title to be produced to the hereditaments to be sold as the Council shall think fit and as regards any stipulations or provisions which may be contained in any conveyance under this enactment the same may at all times thereafter be enforced by the Council by re-entry on such lands on breach of any such stipulation or provision or otherwise in such manner in all respects as the Council shall think fit.

As to sale of ground rents.

*21. Subject to the provisions of this Act the Council may if they think it expedient so to do sell and dispose of in the manner hereinbefore directed all or any lands acquired under the powers of this Act and not required for the purposes of this Act without having previously granted or agreed to grant any lease thereof for such price or prices or sum or sums of money as the Council shall think reasonable and subject to such stipulations and provisions for the enjoyment thereof and as to the nature of the buildings which are to be at all times erected and built thereon and also subject to such stipulations as to the title to be produced to the hereditaments to be sold as the Council shall think fit.

Council may sell land in the first instance without having previously granted a lease thereof.

*22. The Council may let either from year to year or for a less period or for a term at rackrent or exchange or otherwise dispose of any building or lands or any part thereof acquired by them under the powers of this Act and not required for the purposes of this Act and may execute and do any deed act or thing requisite or proper for effectuating any such lease exchange or other disposition.

Council may let or exchange lands.

23. The powers of this Act with respect to lease and sale of lands shall extend and apply to any lands acquired by the Council or the Metropolitan Board of Works for fire brigade purposes or under any private Act passed previously to the year 1891 author-

Further powers to Council of leasing etc. lands acquired for

* There are no surplus lands acquired under this Act, but these sections are inserted having regard to s. 23.

fire brigade
and other
purposes.

ising improvements and works which lands are or may not be required for the purposes for which they were acquired.

24—25. [*Receipts of the Council for moneys payable to them by virtue of this Act to be effectual discharge—Rehousing of labouring-class persons displaced. Spent.*]

PART III.—OPEN SPACES.

26. [*Requiring contributions towards the purchase of property on the north side of Hampstead Heath known as the Golder's Hill Estate, viz.: By the Hampstead Vestry, £10,000; by the St. Margybone Vestry, £1,026; by the St. Pancras Vestry, £1,000; by the Vestry of Puddington, £500. Spent.*]

27. [*Power to the Middlesex County Council to contribute £500 towards the said purchase of the Golder's Hill Estate. Spent.*]

Management
of Golder's
Hill Estate.

28.—(1) The said Golder's Hill Estate shall be dedicated to the use of the public as and for the purposes of a park open space or recreation ground for ever and shall be maintained managed and controlled by the Council as such.

(2) The Council shall have power to keep enclosed the whole or any part of the said Golder's Hill Estate and to restrict the public use of the same during part of every day and the whole of every night and to make byelaws accordingly. [*See 53 & 54 Vict. c. ccxliii. ss. 14—21, and 61 & 62 Vict. c. ccxxi. s. 61.*]

(3) The Council may let or provide for the use of the house or buildings on the said Golder's Hill Estate either wholly or partly for the purposes of a museum library refreshment rooms or for any other purpose conducive to the instruction amusement health or convenience of the public.

29. [*Power to the Council and the Master, Fellows, and Scholars of Emmanuel College, Cambridge, with the consent of the Board of Agriculture, to exchange certain lands in Streatham, forming part of Tooting Bec Common for certain lands forming part of Hyde Farm in Streatham and Clapham, as delineated on a plan signed by Alexander Hargreaves Brown, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred. Spent.*]

Lands
acquired by
Council to
form part of
Tooting Bec
Common.

30. The lands in the parishes of Streatham and Clapham acquired by the Council under the powers of this Act by purchase or exchange or otherwise shall forthwith thereafter be added to become and be part of Tooting Bec Common and the same shall be subject to the exercise of all rights in over or upon Tooting Bec Common in all respects as though the said lands so added formed part of the lands immediately before the passing of this Act subject to the provisions of the scheme relating to Tooting Bec Common confirmed by the Metropolitan Commons Supplemental Act 1873 and the provisions of the said scheme shall extend and apply to the lands so added as though the same were included in the lands immediately before the passing of this Act subject to the provisions of the said scheme and all byelaws with respect to the Tooting Bec Common made by the Council under the provisions of the Acts regulating the use of and relating to open spaces in the county of London and immediately before the passing of this Act in force or hereafter to be made by the Council under the provisions of those Acts and all the provisions.

of those Acts with respect to parks and heaths or commons shall extend and apply to the said lands so added as though the same had at the time of the passing of the said Acts formed part of Tooting Bec Common and had been included amongst the parks heaths and commons in respect of which byelaws were by the said Acts authorised to be made by the Council. [See 53 & 54 Vict. cxxliii. ss. 14—21 and 61 & 62 Vict. c. cxxxi. s. 61.]

[Part omitted (as to extinguishment of all rights over the lands taken in exchange by the Master, etc., of Emmanuel College). See also (as to Tooting Bec Common) 36 & 37 Vict. c. lxxxvi. ; 45 & 46 Vict. c. lvi. s. 22 ; and 4 Edw. 7, c. cexliv. Part VI.]

PART IV.—MISCELLANEOUS.

31—32. [Extension till 5th August 1902 of the period for the purchase of lands for widening St. George's Place, Knightsbridge, authorised by 54 & 55 Vict. c. ccvi. ; and till 5th August 1904 of the period for completion of works authorised by 54 & 55 Vict. c. ccvi. as extended by subsequent Acts ; till 17th August 1902 of the period limited by 57 & 58 Vict. c. clxxxv. for the completion of the Highgate Archway Improvement ; and till 7th August 1902 of the period limited by 59 & 60 Vict. c. clxxxviii. for the purchase of the "White House" beerhouse, Hackney Marshes ; and application of Part II. of the Railway Clauses Act 1863 as to the extension of time. Spent.]

33. The provisions of the London County Council (Subways) Act 1893 shall apply to any subway constructed in connexion with the works herein-after mentioned as if such subway or part thereof had been included in the expression "subway" in the said Act of 1893 and the provisions of section 3 of the said Act shall apply during the actual construction of any such subway.

Applying provisions of London County Council (Subways) Act 1893 in certain cases.

The works herein-before referred to are as follows :—

- (1) The widening of the Strand described in and authorised by the London County Council (Improvements) Act 1897 :
- (2) The new street in Southwark the Long Lane widening and the widening of Old Street and Goswell Road described in and authorised by the London County Council (General Powers) Act 1897 :

Provided that for the purposes of the application of the said Act of 1893 to any subway to be constructed under the powers of the said Acts of 1897 in connexion with the works herein-before referred to the London Hydraulic Power Company shall be deemed to be a water company.

34. The Council and their surveyors and officers and any person duly authorised in writing under the hand of the clerk of the Council may at any reasonable time in the day upon giving in writing for the first time twenty-four hours and afterwards twelve hours previous notice enter upon and into the lands and buildings or any of them included within the improvement areas defined by section 36 of the London County Council (Tower Bridge Southern Approach) Act 1895 and section 42 of the London County Council (Improvements) Act 1897 for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Power to Council to enter upon property within authorised improvement areas for survey and valuation.

PART V.—FINANCIAL.

35. [Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council Money Acts 1900—1905.]

As to payments under this Act.

36. The . . . costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [Parts omitted (as to costs of railway sidings at Horton, lapsed and as to expenses of obtaining Act) spent.]

CHAPTER CCXXXVIII.

AN ACT TO REGULATE THE EXPENDITURE OF MONEY BY THE LONDON COUNTY COUNCIL ON CAPITAL ACCOUNT DURING THE CURRENT FINANCIAL PERIOD AND THE RAISING OF MONEY TO MEET SUCH EXPENDITURE. [9th August 1899.]

[Preamble.]

Short title.

1. This Act may be cited for all purposes as the London County Council (Money) Act 1899 and the London County Council (Money) Acts 1875 to 1898 and this Act may be cited together as the London County Council (Money) Acts 1875 to 1899.

Construction of Act.

2. This Act shall subject to the provisions thereof be read and have effect as one with the Metropolitan Board of Works (Loans) Acts 1869 to 1871 and the London County Council (Money) Acts 1875 to 1898 :

But all consolidated stock created by the Council shall be charged upon the county rate in substitution for the consolidated rate.

Interpretation.

3. In and for the purposes of this Act—
The expression “the Council” shall mean the London County Council ;

The expression “the financial year” shall mean the period from the first day of April one thousand eight hundred and ninety-nine to the thirty-first day of March one thousand nine hundred both dates inclusive ;

The expression “the following six months” shall mean the period from the first day of April one thousand nine hundred to the thirtieth day of September one thousand nine hundred both dates inclusive ;

The expression “the financial period” shall mean the financial year and the following six months.

[Part omitted (definition of “Main Drainage Acts”) spent.]

4—5. [Power to the Council during the financial period to expend money for sundry purposes. Spent.]

6. . . .
(iv.) Money borrowed from and lent by the Council under this section shall be repaid to the Council with interest within such time after the borrowing as the borrowers with the consent of the Local Government Board or the Treasury as the case may be where such consent is necessary to the borrowing and the Council with the approval of the Treasury shall agree Provided that the time after the borrowing within which such money shall be repaid to the

Power to lend to vestries district boards corporations commissioners burial boards or other public bodies.

Council shall not exceed in the case of loans to the managers of district schools and asylums sixty years and in all other cases the following periods viz. in the case of a loan for the purpose of improvements in relation to streets or bridges for or the purpose of purchase of land in fee simple sixty years for electric lighting purposes fifty years and for any other purpose thirty years.

[Part omitted (power to the Council during the financial period to lend to vestries, district boards, and other public bodies in London) spent.]

7. [Power to the Council during the financial period to lend to boards of guardians in London. Spent.—Provision as to repayment. Identical with such provision in 61 & 62 Vict. c. cccxxii. s. 7.]

8. [Power to the Council during the financial period to lend to the managers of the Metropolitan Asylum District. Spent.]

9. [Power to the Council during the financial period to lend to the School Board for London. Spent.—Provision as to repayment. Superseded by 2 Edw. 7, c. 42, s. 5, and 2nd Sch., and 3 Edw. 7, c. 24. See also the Public Works Loans Act 1905, s. 3. (See Appendix.)]

10. Money borrowed from and lent by the Council under this section shall be repaid to the Council with interest within such time after the borrowing as the vestry and the Council with the approval of the Treasury shall agree not exceeding the period limited by the said Act.

Loan to vestry of Saint Marylebone in connection with abolition of Church rates. 2,500*l.*

[Part omitted (power to the Council during the financial period to lend to the Vestry of St. Marylebone* a sum not exceeding £2,500 under the St. Marylebone (Church Rate Abolition) Act 1898) spent.]

11. [Increase of the amount authorised to be lent to boards of guardians under s. 7 of 61 & 62 Vict. c. cccxxii. Spent.]

12. [Protection of the Council in case of certain loans. Identical with 54 & 55 Vict. c. 62, s. 13.]

13. Money lent by the Council under the powers of this Act during the six months ending the thirtieth day of September one thousand nine hundred shall be lent on account of the financial year ending the thirty-first day of March one thousand nine hundred and one.

As to money lent by Council.

14. In order to raise the money for the several purposes for which the Council are by this Act authorised to expend or lend money the Council may from time to time create consolidated stock and the following provisions shall have effect :—

Power to raise consolidated stock.

(i.) Where the Council under the authority of this Act create consolidated stock to raise money to enable them to meet expenditure or make a loan repayable within a period of less than sixty years from the date of such expenditure or loan the Council shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve as being in their opinion sufficient to redeem within the period authorised for the repayment of such expenditure or loan an amount of consolidated stock equal to that so created :

* Now the Council of the Metropolitan Borough of St. Marylebone. See 62 & 63 Vict. c. 14, s. 4.

(ii.) Where the Council create consolidated stock for the purpose of any scheme made by the Metropolitan Board of Works or the Council under the Housing of the Working Classes Act 1890 or any enactments repealed by that Act all money required for payment of dividends on and the redemption of all consolidated stock created for such purpose shall be charged to the special county account to which the expenditure for the purposes of the said Acts is chargeable :

(iii.) Consolidated stock for the purposes of this Act may be created by the Council from time to time in such amounts and at such times only as the Council shall actually require for the said purposes respectively.

Repayment
of moneys
lent by
Council.

15.—(i.) Money borrowed from and lent by the Council under the provisions of this Act may be made repayable either in one sum or by instalments or by a series of equal annual or other instalments to include both principal and interest or otherwise as may be agreed between the Council and the borrowers.

(ii.) All sums received by the Council in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund.

New
redeemable
consolidated
stock.

16.

All stock created under the powers of this section shall form part of and rank equally with the consolidated stock created under the powers of the London County Council (Money) Acts 1896 to 1898 and shall also rank equally with all consolidated stock created under the powers of any subsequent Act if the same be thereby declared to rank equally with consolidated stock created under the powers of this section.

[Part omitted identical with 59 & 60 Vict. c. ccciv. s. 14 down to the words "in respect of such stock."]

17. [As to the employment of money of the Consolidated Loans Fund. Identical with 59 & 60 Vict. c. ccciv. s. 15.]

18. [As to the investment of money of the Consolidated Loans Fund. Identical with 59 & 60 Vict. c. ccciv. s. 16.]

19. [Power to the Council after the issue of stock to apply money raised by stock to make up dividends from fixed dates. Spent.]

20. [As to conversion of stock. Identical with 59 & 60 Vict. c. ccciv. s. 18.]

21. [The limitation on the borrowing power of the Council contained in s. 38 of 32 & 33 Vict. c. 102, not to extend to money raised under this Act.]

22. [Limit to the exercise of borrowing powers by the Council during the financial period. Spent.]

23. [Incorporation of ss. 27—43 of 48 & 49 Vict. c. 50. Identical with 59 & 60 Vict. c. ccciv. s. 21.]

24. [As to securities upon which the Council may lend temporarily. Rep. and replaced by 1 Edw. 7, c. lxxxvii. s. 22, which is rep. and replaced by 5 Edw. 7, c. exliiii. s. 21.]

25. [Provisions as to raising money by bills. Spent.]

26. [Application of ss. 8—11 of the Forgery Act 1861 to London County Bills. Identical with 61 & 62 Vict. c. cccxii. s. 24.]

27. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [Part omitted (as to expenses of obtaining this Act) spent.] As to payments under this Act.

SCHEDULE. [Particulars of purposes for which moneys may be raised under this Act, and of the sums authorised to be raised for such purposes. Spent.]

CHAPTER CCLXVI.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO MAKE A NEW STREET FROM HOLBORN TO THE STRAND AND A WIDENING OF SOUTHAMPTON ROW TO WIDEN HIGH STREET KENSINGTON AND TO MAKE OTHER STREET IMPROVEMENTS AND WORKS IN THE ADMINISTRATIVE COUNTY OF LONDON AND FOR OTHER PURPOSES. [9th August 1899.]

[Preamble.]

PART I.—INTRODUCTORY.

1. This Act may be cited as the London County Council short title. (Improvements) Act 1899.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):— Interpretation.

“The Council” means the London County Council;

“The improvements” means the improvements and works by this Act authorised;

“Street” has the meaning assigned to that term in the Metropolis Management Acts 1855 to 1893.

And the several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction;

Provided that for the purposes of this Act the expressions “the promoters of the undertaking” and “the company” in the Lands Clauses Acts shall be construed to mean the Council.

3. The Lands Clauses Acts are (except section 133 of the Lands Clauses Consolidation Act 1845 (land tax and poor's rate to be made good) and except where expressly varied by this Act) incorporated with and form part of this Act. Incorporation of Lands Clauses Acts.

PART II.—IMPROVEMENTS.

4. Subject to the provisions of this Act in the lines or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the Council may execute the works herein-after described viz. :— Power to Council to make works.

New Street (Holborn to Strand).

A new central street in the parishes of Saint George Bloomsbury Saint Giles-in-the-Fields and Saint Clement Danes to

commence in the parishes of Saint George Bloomsbury and Saint Giles-in-the-Fields in High Holborn opposite the southern end of Southampton Row and to terminate in the parish of Saint Clement Danes at or near the northern corner of the site now occupied by the Olympic Theatre :

A curved street in the parishes of Saint Mary-le-Strand Saint Martin-in-the-Fields Saint Paul Covent Garden and Saint Clement Danes to connect the new central street with the Strand at two points the eastern end of such curved street to form a junction with the Strand as proposed to be widened at or near the point where Wych Street and Holywell Street now open on the roadway west of Saint Clement Danes Church and the western end of such curved street to form a junction with the Strand between Catherine Street and Wellington Street :

In connexion with the said central and curved streets subsidiary streets or junctions with existing streets as follows :—

- (1) A junction street in the parish of Saint Giles-in-the-Fields between the central street and Little Wild Street ;
- (2) A junction street in the parishes of Saint Giles-in-the-Fields and Saint Clement Danes between the central street and Lincoln's Inn Fields ;
- (3) A junction street in the parishes of Saint Giles-in-the-Fields and Saint Clement Danes between the central street and the existing point of junction of Great Wild Street and Kemble Street ;
- (4) A junction street in the parish of Saint Clement Danes between the new street and Clare Street and Clare Market ;
- (5) A junction street in the parish of Saint Clement Danes between the curved street and Houghton Street ;
- (6) A new street in the parishes of Saint Martin-in-the-Fields Saint Paul Covent Garden and Saint Mary-le-Strand on the site of that part of Exeter Street which is situate between Wellington Street and Catherine Street.

Southampton Row Widening.

- (1) The widening of Southampton Row in the parish of Saint George Bloomsbury on the eastern side thereof such widening to commence at Vernon Place and Theobald's Road and terminate at Holborn :
- (2) The widening of High Holborn in the parish of Saint George Bloomsbury on the northern side thereof such widening to commence at the southern end of Southampton Row and to extend to a point fifty yards or thereabouts eastwards from the centre of the roadway of Southampton Row :
- (3) New street to commence in Kingsgate Street in the parish of Saint George the Martyr Holborn at the western end of Fisher Street and to be continued into Southampton Row :
- (4) New street to commence in Kingsgate Street in the parish of Saint George the Martyr Holborn and the parish of Saint George Bloomsbury at the western end of Eagle Street and to be continued into Southampton Row.

Wandsworth Road Lambeth Widening.

A widening of Wandsworth Road in the parish of Saint Mary Lambeth on the southern side thereof such widening to commence at a point about sixty yards eastward from the junction between Nine Elms Lane and the Wandsworth Road and to terminate at or near the junction of Bond Street and the Wandsworth Road opposite the South Metropolitan Gas Company's works.

High Street Kensington Widening.

A widening of High Street Kensington in the parishes of Saint Mary Abbot Kensington and Saint Margaret Westminster on the northern side thereof near Saint Mary Abbot's Church :
A new roadway in the parish of Saint Mary Abbot Kensington from Clarence Mews to Kensington High Street.

Cat and Mutton Bridge Shoreditch.

The taking down and removal of the bridge over the Regent's Canal known as the "Cat and Mutton" Bridge in the parishes of Saint Leonard Shoreditch and Saint John Hackney and the reconstruction of the same with improved approaches thereto.

Old Gravel Lane Bridge Saint George-in-the-East.

The taking down and removal of the swing bridge over the London Dock Cut at Old Gravel Lane in the parish of Saint George-in-the-East and the construction of a new bridge on the site thereof.

5. [*Further provisions with reference to the reconstruction of Cat and Mutton Bridge. Spent.*]

6. [*Power to the London & India Docks Joint Committee to exercise the powers of the Council as to the reconstruction of the Old Gravel Lane Bridge. Lapsed.*]

7. [*As to confirmation of agreements with the Duke of Bedford and his trustees set out in the 2nd Schedule. Spent.*]

8. [*Power to the Council to take lands shown on the deposited plans. Spent.*]

9—17. [*As to acquisition of easements—Errors and omissions in plans—Power to the Council to enter and survey property to be taken—As to arbitration and compensation in case of recently altered buildings—Power to take parts only of properties mentioned in the 1st Schedule—Power to stop up ways temporarily and to deviate. Spent.*]

18. [*Power to the Council to make subsidiary works and to stop up streets and appropriate the sites thereof, to alter and interfere with drains and sewers after providing proper substitutes—Vesting the soil, etc., of streets stopped up in the Council—Substituted drains and sewers to be under the same management as existing drains and sewers.*]

19—24. [*As to closing Clark's Passage, Lambeth—As to compensation in the case of insanitary property—As to alteration of water, gas, and other pipes—For the protection of the Gas Light & Coke Company—As to laying out of carriageways, and the construction of vaults and other works. Spent.*]

25. [*As to laying of pavements, and as to the maintenance thereof by the authority liable for the repair of the street or by any other persons liable to maintain the same.*]

26. [*Power to the Council to fill up sewers or drains on providing substituted sewers or drains which are to be under the same management as existing sewers or drains.*]

27. [*Power to the Council to alter steps, areas, pipes, etc. Spent.*]

Applying provisions of London County Council (Subways) Act 1893.

28. The provisions of the London County Council (Subways) Act 1893 shall apply to any subway to be constructed under the powers of this Act as if such subway or part thereof had been included in the expression "subway" in the said Act of 1893 and the provisions of section 3 of the said Act shall apply during the actual construction of any such subway. Provided that for the purposes of the application of the said Act of 1893 to any subway to be constructed under the powers of this Act the London Hydraulic Power Company shall be deemed to be a water company.

29—30. [*Periods for compulsory purchase of lands for the improvements and for completion of improvements limited to 5 and 7 years respectively. Spent.*]

Improvements to form public street. Repair etc.

31. When and as each of the improvements is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the improvement to which it relates as shall have been laid out for carriageway or footway shall form part of the street and may be used by the public accordingly. So much of the land acquired by the Council for the widenings of Wandsworth Road (Lambeth) and High Street (Kensington) as is thrown into and used for the carriageway or footway of the widened street shall on the completion of each widening become vested in the authority in whom the management and control of the existing street is vested and the land acquired by the Council for the new street (Holborn to Strand) and Southampton Row Widening shall remain and be vested in the Council and subject to the provisions of this Act the maintenance repair paving cleansing and lighting of each of the improvements shall be under the care management control and jurisdiction of the authority in whom the management and repair of streets is vested in the same manner as other streets in their district.

32. [*Power to the Council to sell materials.*]

33—34. [*Power to the Council to lease surplus lands—As to sale of ground rents. Identical with 54 & 55 Vict. c. cevi. ss. 28—29.*]

35. [*Power to the Council to sell surplus lands without leasing. Identical with 57 & 58 Vict. c. clxxxv. s. 30.*]

36. [*Power to the Council to let or exchange surplus lands. Identical with 54 & 55 Vict. c. cevi. s. 31.*]

Council to dispose of lands not wanted.

37. Lands purchased by the Council under the powers of this Act for the purposes of the improvements and to which section 127 of the Lands Clauses Consolidation Act 1845 applies shall in such manner as may be deemed to be most expedient be sold and disposed of within a period of sixty years from the first day of September next after the passing of this Act and such period shall be the prescribed period for the purposes of the said section.

38—39. [*Receipts of the Council to be effectual discharges—Power to the Council to make agreements with owners of property, etc. Identical with 54 & 55 Vict. c. cccvi. ss. 33—34.*]

40. The following provisions shall apply and have effect for the protection of the Right Honourable Algernon Baron Glenesk who is or claims to be the owner of part and the lessee of the remainder of the property herein-after referred to as “the Morning Post premises” :—

For protection of Lord Glenesk and premises occupied by Morning Post.

(1) In this section the following expressions shall have the following meanings :—

“The owner” shall mean the said Lord Glenesk his heirs and assigns or other the owner for the time being of the Morning Post premises ;

“The Morning Post premises” shall mean the premises now known as Nos. 345 346 346A Strand and 10 Wellington Street Strand of which the owner is or claims to be the freeholder and of which he is the occupier and No. 12 Wellington Street of which he is the lessee and occupier and all other the premises if any which are now used for and in connexion with the carrying on of the business of the daily paper known as the Morning Post ;

“The portion to be acquired” means the portion of the Morning Post premises to be taken and acquired by the Council under the powers of this Act ;

“The undisturbed portion” means the portion within the limits of deviation not to be acquired or taken or used by the Council ;

“The substituted portion” means the portion to be substituted for the portion to be acquired ;

The said premises and portions are delineated on the plan signed for the purposes of identification by Alexander Hargreaves Brown the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (a copy of which plan has been deposited in the Private Bill Office of the House of Commons) and are on the said plan distinguished respectively as follows . . . the portion to be acquired is coloured as to part pink and as to the remainder blue the undisturbed portion is hatched pink and hatched blue the substituted portion is coloured brown . . . :

(9) . . . The portion to be acquired shall become vested in the Council to be thrown into and form part of the proposed new streets which shall be so formed that the south and east sides of the undisturbed portion and the south-east side of the substituted portion shall abut on such proposed new streets in the manner shown on the said signed plan . . . :

(11) The owner shall be entitled to affix to or erect in or on his premises in a position as convenient as now the clock which now forms a part of the Morning Post premises and no objection shall be raised or made by the Council to the same extending over the pavement or street :

- (12) If from any cause the owner desires to erect on the undisturbed portion and substituted portion buildings of a more elaborate character and so involving a greater comparative cost or value than those now in the occupation of the owner he shall be at liberty so to do but the increased cost occasioned thereby shall be ascertained and borne by him any difference as to this provision to be decided by arbitration as herein provided :
- (13) The elevation and exterior design of the buildings to be erected by the owner fronting any part of the new streets by this Act authorised shall be subject to the reasonable approval of the Council :
- (14) Any question or difference on this section or as to whether the owner is completely reinstated and compensated or as to any of the amounts to be paid under this section shall (except as herein-before referred to arbitration under the Arbitration Act 1889) be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with respect to the settlement of disputed questions of compensation.

[Parts omitted (as to conveyance by the Council of the "substituted portion" for "the portion to be acquired" and payment in relation thereto) spent.]

41—47. *[As to the acquisition by the Council of the freehold of Gaiety Theatre and Gaiety Restaurant—For the protection of the Gaiety Theatre Co. Ltd., Grimes Ltd., Shorts Ltd., Echo Ltd., the Grand Lodge of Freemasons, and George Cox. Spent.]*

48. *[For the protection of the School Board for London—Spent in part : remr. superseded by 2 Edw. 7, c. 42, s. 5, and 2nd Sch., and 3 Edw. 7, c. 24.]*

49—53. *[For the protection of Wm. Robinson, the Rector and Churchwardens of St. Clement Danes Church, and the Duke of Norfolk—Provisions as to the mortuary and disinfecting chamber in Denzil Street, and the New Inn Estate. Spent.]*

54. If the Bill promoted in the present session of Parliament under the short title of the Great Northern and Strand Railway Bill passes into a law containing power for the construction of the Railways Nos. 3 and 4 therein described nothing contained in this Act or shown on the deposited plans shall override or prejudice the exercise of the powers conferred by the Act to follow on the said Bill. *[Part omitted (as to the obligation of the Council to sell certain lands to the Great Northern & Strand Railway Co.) rep. by the Great Northern, Piccadilly, & Brompton Railway (Various Powers) Act 1905, s. 21.]*

55. *For the protection of the Metropolitan Electric Supply Company. Spent.]*

56. *[For the protection of the owners of certain premises in High Street, Kensington. Spent.]*

57. The two agreements respectively dated the eighteenth day of July one thousand eight hundred and ninety-nine between John Francis Fortescue Horner of the second part and the Council of the third part of which copies are set out in the Third Schedule to this Act are hereby confirmed and made binding upon the Council and valid as between the Commissioners of Woods and the Council :

Saving for
Great
Northern
and Strand
Railway.

Confirming
agreements
with the
Crown.

In consideration of the frontage of the premises 9 10 11 and 12 Little Queen Street referred to in the second of such agreements being set back and the construction of the said new street partly over such premises being allowed as therein provided the said premises and any buildings thereon shall be exempt from the provisions of section 41 of the London Building Act 1894 and from any liability to an improvement charge under the provisions of this Act.

58. [*As to restrictions on displacing persons of the labouring class. Spent.*]

59. [*Further provisions as to re-housing persons of the labouring class under 60 & 61 Vict. c. lix. and under this Act. Spent.*]

60. [*As to the removal of human remains. Spent.*]

PART III.—IMPROVEMENT AREA AND CHARGE.

61. And whereas the new street (Holborn to Strand) by this Act authorised will or may substantially and permanently increase in value lands in the neighbourhood of that improvement which will not be acquired for the purpose thereof and it is reasonable that provision should be made under which in respect or in consideration of such increased value a charge should be placed on such lands Therefore the following provisions shall have effect viz. :—

(1) In and for the purposes of this Part of this Act—

The expression—

“The improvement area” means the area of lands coloured yellow on the plan signed by Alexander Hargreaves Brown the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (a copy of which plan has been deposited in the Private Bill Office of the House of Commons) exclusive of the lands numbered on the said plan 10 to 18 in the parish of Saint George Bloomsbury and exclusive also of the interests of Thomas Phelps his executors administrators assigns and lessees in the lands in the said parish numbered 3 4 7 and 9 on the said plan as existing at the passing of this Act ;

“The improvement” means the new street (Holborn to Strand) by this Act authorised.

Improve-
ment charge.

Definitions
in this part
of this Act.

[*The remainder of this section is to the same effect as, and in almost identical words with s. 36 of 58 & 59 Vict. c. cxxx. from the word “Owner” therein to the end of the section.*]

PART IV.—CONTRIBUTIONS BY LOCAL AUTHORITIES.

62—64. [*As to contributions, viz. : (1) £5,000 towards the cost of the High Street, Kensington, improvement, by the united Vestry of St. Margaret and St. John Westminster, and such sum as with the said £5,000 will amount to one-third of the net cost thereof by the Kensington Vestry ; (2) £5,000 towards the cost of the Cat and Mutton Bridge reconstruction, by the Hackney Vestry, and such sum as with the last-mentioned £5,000 will amount to one-third of the net*

cost thereof by the Vestry of St. Leonard Shoreditch—As to separate accounts and agreements for closing accounts in case of joint works.]*

PART V.—FINANCIAL.

65. *[Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council Money Acts 1899—1905.]*

As to
payments
under this
Act.

66. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . *[Part omitted (expenses of obtaining Act) spent.]*

FIRST SCHEDULE. *[Description of properties of which portions only may be taken by the Council. Spent.]*

SECOND SCHEDULE. *[Agreements made the 12th May 1899 between the Hon. W. E. Sackville West and Cosmo Romilly, Esq., trustees of the will dated 7th May 1861 and with two codicils thereto proved on the 31st July 1861 of the 7th Duke of Bedford, and the Most Noble Herbrand, 11th Duke of Bedford (the present tenant for life in possession of the real and personal estates under the said will), of the one part, and the London County Council of the other part, as to the purchase by the Council of all freehold, leasehold, and other interests in the several properties coloured blue upon the plan annexed thereto, and as to the Council selling to the said trustees the strip of land shown and enclosed between red lines on the said plan for the sum of £30 4s. per sq. foot, and providing that the elevations of any buildings to be erected on the said strip of land shall be approved by the Council; and as to the purchase by the Council of certain other lands in St. Martin-in-the-Fields. Spent.]*

THIRD SCHEDULE. *[Agreements made the 18th July 1899 between the Queen's Most Excellent Majesty of the first part, John Francis Fortesque Horner, Esq. (the Commissioner of Woods in charge of the Land Revenues of the Crown in the County of London) of the second part, and the Council of the third part as to the acquisition by the Council of certain Crown Lands in Kensington and in High Holborn. Spent.]*

63 & 64 VICTORIA. A.D. 1900.

CHAPTER 29.

AN ACT TO ASSIMILATE THE COUNTY COUNCIL AND BOROUGH COUNCIL FRANCHISE IN LONDON. [30th July 1900.]

Short title.

Amendment
of law as to
qualification
of London
county
electors.

Definitions.

1. This Act may be cited as the London County Council Electors Qualification Act, 1900.

2. A parochial elector shall be entitled to vote at the election of a county councillor for the administrative county of London in the same manner as a county elector, and subject to the same provisions.

3. In this Act, unless the context otherwise requires, the expression "county elector" means a person entitled to vote at the election of a county councillor, under the Local Government Act, 1888, and the expression "parochial elector" means a parochial elector within the meaning of the Local Government Act, 1894. *[See 51 & 52 Vict. c. 41, s. 2 (4); the County Electors Act 1888, s. 2; and the Local Government Act 1894, ss. 44 and 75.]*

* These provisions, being transitory, are not set out.

CHAPTER CLXXXVI.

AN ACT TO CONFIRM A PROVISIONAL ORDER MADE BY ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR IMPROVING CERTAIN AREAS SITUATED IN THE PARISHES OF ST. JAMES AND ST. JOHN CLERKENWELL AND ST. ANDREW HOLBORN IN THE COUNTY OF LONDON. [30th July 1900.]

[Preamble.]

1. The Order as amended and set out in the schedule to this Act is hereby confirmed. Order in
schedule
confirmed.
2. This Act may be cited as the London (Clerkenwell and Holborn) Provisional Order Confirmation Act 1900. Short title.

SCHEDULE. [Provisional Order of the Home Secretary of 14th May 1900 confirming a Scheme made by the London County Council, under the Housing of the Working Classes Act 1890, for the improvement of certain areas in the parishes of St. James and St. John Clerkenwell and St. Andrew Holborn, in the county of London. The Order recites that the number of persons of the working class that will be displaced by the Scheme is 1,402—viz. in the Aylesbury Place Area 495, and in Union Buildings, Holborn, Area 907. The Scheme set out in the Order provides that the lands coloured red and blue on the plan marked A deposited at the Home Office shall constitute the improvement areas, that the lands coloured red thereon shall constitute the unhealthy areas, and those coloured blue the lands necessary to be included to make the Scheme efficient; and also provides for clearing the improvement area, and for the erection thereon of working-class dwellings to accommodate 200 persons on the Aylesbury Place Area, and 1,200 persons on the Union Buildings, Holborn, Area; and that the Council may dispose as they think fit of such of the lands constituting the improvement areas as are not needed to provide such accommodation. Spent.]

CHAPTER CLXXXVII.

AN ACT TO CONFIRM A PROVISIONAL ORDER MADE BY ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR IMPROVING CERTAIN AREAS SITUATED IN THE PARISHES OF POPLAR AND BROMLEY-BY-BOW IN THE COUNTY OF LONDON. [30th July 1900.]

[Preamble.]

1. The Order as amended and set out in the schedule to this Act is hereby confirmed. Order in
schedule
confirmed.
2. This Act may be cited as the London (Poplar) Provisional Order Confirmation Act 1900. Short title.

SCHEDULE. [Provisional Order of the Home Secretary dated 14th May 1900 confirming a Scheme made by the London County Council, under the Housing of the Working Classes Act 1890, for the improvement of certain areas situated in the parishes of Poplar and Bromley-by-Bow, in the county of London. The Order recites that the number of persons of the working class that will be displaced by the Scheme is estimated at 269. The Scheme set out in the Order provides that the lands coloured red and blue on the plan marked A deposited at the Home Office shall constitute the improvement areas, and that the lands coloured red on such plan shall constitute the unhealthy areas, and those coloured blue on such plan the lands necessary to be included to make the scheme efficient; and also provides for clearing the said lands constituting the improvement areas, and that such lands may be used as an open space or recreation ground, or disposed of by the Council as they think fit; and further provides for the erection of working-class dwellings to accommodate 269 persons on lands of the Council at Preston Road, Poplar. Spent.]

CHAPTER CLXXXVIII.

AN ACT TO CONFIRM A PROVISIONAL ORDER MADE BY ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR IMPROVING CERTAIN AREAS SITUATED IN THE PARISH OF ST. LUKE IN THE COUNTY OF LONDON. [30th July 1900.]

[*Preamble.*]

1. The Order as amended and set out in the schedule to this Act is hereby confirmed.

2. This Act may be cited as the London (St. Luke) Provisional Order Confirmation Act 1900.

SCHEDULE. [*Provisional Order of the Home Secretary dated 25th May 1900 confirming a Scheme made by the London County Council, under the Housing of the Working Classes Act 1890, for the improvement of certain areas situated in the parish of St. Luke, in the county of London. The Order recites that the number of persons of the working class that will be displaced by the Scheme is estimated at 1,193. The Scheme set out in the Order provides that the lands coloured red and blue in the plan marked A deposited at the Home Office shall constitute the improvement areas, that the lands coloured red on such plan shall constitute the unhealthy areas, and those coloured blue on such plan shall be deemed to be the lands necessary to be included to make the Scheme efficient; and also provides for clearing the said lands, and that the streets shown on the said plan shall be widened and extended as nearly as may be to the extent shown by dark red lines thereon; and farther provides for the erection on the said lands of working-class dwellings to accommodate 1,193 persons, and that the Council may retain as an open space or recreation ground for the use of residents in such dwellings, or dispose of as they think fit, or use for providing additional dwelling accommodation for artisans, such lands constituting the improvement areas as are not needed to provide accommodation for 1,193 persons as aforesaid. Spent.*]

CHAPTER CLXXXIX.

AN ACT TO CONFIRM A PROVISIONAL ORDER MADE BY ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR IMPROVING CERTAIN AREAS SITUATED IN THE PARISH OF ST. GEORGE THE MARTYR SOUTHWARK IN THE COUNTY OF LONDON. [30th July 1900.]

[*Preamble.*]

1. The Order as amended and set out in the schedule to this Act is hereby confirmed.

2. This Act may be cited as the London (Southwark) Provisional Order Confirmation Act 1900.

SCHEDULE. [*Provisional Order of the Home Secretary dated 25th May 1900 confirming a Scheme made by the London County Council, under the Housing of the Working Classes Act 1890, for the improvement of certain areas situated in the parish of St. George the Martyr, Southwark, in the county of London. The Order recites that the number of persons of the working class that will be displaced by the Scheme is estimated at 997. The Scheme set out in the Order provides that the lands coloured red and blue (except the portion hatched yellow) on the plan marked A annexed to the Order and deposited at the Home Office shall constitute the improvement areas, that the lands coloured red on such plan (except the portion hatched yellow) shall constitute the unhealthy areas, and those coloured blue on such plan (except the portion hatched yellow) shall be deemed to be the lands necessary to be included to make the Scheme efficient; and also provides for clearing the improvement area, and for the erection thereon of working-class dwellings to accommodate 903 persons, and that the Council may dispose, as they think fit, of such of the said lands as are not needed to provide such accommodation. The Scheme also provides for the widening of Webber Row, Pockett Street, and the thoroughfare at the south end of King's Bench Walk as nearly as may be to the extent shown by dark red lines on the said plan. Spent.*]

Order in
schedule
confirmed.
Short title.

Order in
schedule
confirmed.
Short title.

CHAPTER CCII.

AN ACT TO CONFIRM A PROVISIONAL ORDER MADE BY ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR THE IMPROVEMENT OF A CERTAIN AREA SITUATED IN THE PARISH OF ST. MARYLEBONE IN THE COUNTY OF LONDON.

[6th August 1900.]

[Preamble.]

1. The Order set out in the schedule to this Act is hereby confirmed. Order in
schedule
confirmed.
2. This Act may be cited as the London (St. Marylebone) Provisional Order Confirmation Act 1900. Short title.

SCHEDULE. [*Provisional Order of the Home Secretary dated 16th June 1900 confirming a Scheme made by the London County Council, under the Housing of the Working Classes Act 1890, for the improvement of a certain area situated in the parish of St. Marylebone, in the county of London. The Order recites that the number of persons of the working class that will be displaced by the Scheme is estimated at 576, and that Viscount Portman, the person entitled to the first estate of freehold of the whole of the property comprised in such area, is willing at his own cost to carry out and effect the Scheme for the improvement of such area. The Scheme set out in the Order provides that the lands coloured red and blue on the plan marked A, deposited at the Home Office, shall constitute the improvement area, and that the lands coloured red on such plan shall constitute the unhealthy area, and those coloured blue on such plan the plans necessary to be included for making the Scheme efficient; and also provides for clearing the said lands, and for the erection by the said Viscount Portman on the improvement area, and to the satisfaction of the Council, of working-class dwellings to accommodate 576 persons, and that the said Viscount Portman may retain as an open space or recreation ground, for the use of the residents in such dwellings, such of the said lands as are not needed to provide such accommodation, and further provides for stopping up and the inclusion in the improvement area of the whole of Nightingale Street. Spent.*]

CHAPTER CCXVI.

AN ACT TO REGULATE THE EXPENDITURE OF MONEY BY THE LONDON COUNTY COUNCIL ON CAPITAL ACCOUNT DURING THE CURRENT FINANCIAL PERIOD AND THE RAISING OF MONEY TO MEET SUCH EXPENDITURE.

[6th August 1900.]

[Preamble.]

1. This Act may be cited for all purposes as the London County Council (Money) Act 1900 and the London County Council (Money) Acts 1875 to 1899 and this Act may be cited together as the London County Council (Money) Acts 1875 to 1900. Short title.
2. This Act shall subject to the provisions thereof be read and have effect as one with the Metropolitan Board of Works (Loans) Acts 1869 to 1871 and the London County Council (Money) Acts 1875 to 1899: Construction
of Act.

But all consolidated stock created by the Council shall be charged upon the county rate in substitution for the consolidated rate.

3. In and for the purposes of this Act—

The expression "the Council" shall mean the London County Council; Interpreta-
tion.

The expression "the financial year" shall mean the period from the first day of April one thousand nine hundred to the thirty-first day of March one thousand nine hundred and one both dates inclusive:

The expression "the following six months" shall mean the period from the first day of April one thousand nine hundred and one to the thirtieth day of September one thousand nine hundred and one both dates inclusive ;

The expression "the financial period" shall mean the financial year and the following six months.

[*Part omitted (definition of "Main Drainage Acts") spent.*]

4—5. [*Power to the Council during the financial period to expend money for sundry purposes. Spent.*]

Power to
lend to ves-
tries district
boards cor-
porations
commis-
sioners
burial
boards or
other public
bodies.

6.

(iv.) Money borrowed from and lent by the Council under this section shall be repaid to the Council with interest within such time after the borrowing as the borrowers with the consent of the Local Government Board or the Treasury as the case may be where such consent is necessary to the borrowing and the Council with the approval of the Treasury shall agree. Provided that the time after the borrowing within which such money shall be repaid to the Council shall not exceed in the case of loans to the managers of district schools and asylums sixty years and in all other cases the following periods viz. in the case of a loan for the purpose of improvements in relation to streets or bridges or for the purpose of purchase of land in fee simple or for the purposes of the Housing of the Working Classes Act 1890 sixty years for electric lighting purposes fifty years and for any other purpose thirty years. [*Part omitted (power to the Council during the financial period to lend to vestries, district boards, and other public bodies in London) spent.*]

7. [*Power to the Council during the financial period to lend to boards of guardians in London. Spent.—Provision as to repayment. Identical with such provision in 61 & 62 Vict. c. cxxii. s. 7.*]

8. [*Power to the Council during the financial period to lend to the managers of the Metropolitan Asylum District. Spent.*]

9. [*Power to the Council during the financial period to lend to the School Board for London. Spent.—Provision as to repayment. Superseded by 2 Edw. 7, c. 42, s. 5, and 2nd Schedule ; and 3 Edw. 7, c. 24. See also the Public Works Loans Act 1905, s. 3. (See Appendix.)*]

10. [*Protection of the Council in case of certain loans. Identical with 54 & 55 Vict. c. 62, s. 13.*]

As to money
lent by
Council in
certain cases.

11. Money lent by the Council under the powers of this Act during the six months ending the thirtieth day of September one thousand nine hundred and one shall be lent on account of the financial year ending the thirty-first day of March one thousand nine hundred and two.

12. [*Power to the Council to raise consolidated stock. Identical with 62 & 63 Vict. c. cxxxviii. s. 14.*]

13. [*As to repayment of moneys lent by the Council. Identical with 62 & 63 Vict. c. cxxxviii. s. 15.*]

14.

New
redeemable
consolidated
stock.

All stock created under the powers of this section shall form part of and rank equally with the consolidated stock created under the powers of the London County Council (Money) Acts 1896 to 1899 and shall also rank equally with all consolidated stock created

under the powers of any subsequent Act if the same be thereby declared to rank equally with consolidated stock created under the powers of this section.

[*Part omitted identical with 59 & 60 Vict. c. cxxiv. s. 14 down to the words "in respect of such stock."*]

15. [*As to the employment of money of the Consolidated Loans Fund. Identical with 59 & 60 Vict. c. cxxiv. s. 15.*]

16. [*As to the investment of money of the Consolidated Loans Fund. Identical with 59 & 60 Vict. c. cxxiv. s. 16.*]

17. [*Power to the Council after the issue of stock to apply money raised by stock to make up dividends from fixed dates. Spent.*]

18. [*As to conversion of stock. Identical with 59 & 60 Vict. c. cxxiv. s. 18.*]

19. [*The limitation on the borrowing power of the Council contained in s. 38 of 32 & 33 Vict. c. 192 not to extend to money raised under this Act.*]

20. [*Limit to the exercise of borrowing powers by the Council during the financial period. Spent.*]

21. [*Incorporation of ss. 27—43 of 48 & 49 Vict. c. 50. Identical with 59 & 60 Vict. c. cxxiv. s. 21.*]

22. [*Provisions as to raising money by bills. Spent.*]

23. [*Application of ss. 8—11 of the Forgery Act 1861 to London County Bills. Identical with 61 & 62 Vict. c. cxxii. s. 24.*]

24. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (as to expenses of obtaining this Act) spent.*]

As to payments under this Act.

SCHEDULE. [*Particulars of purposes for which moneys may be raised under this Act, and of the sums authorised to be raised for such purposes. Spent.*]

CHAPTER CCXIX.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO MAKE A TUNNEL OR SUBWAY UNDER THE RIVER THAMES BETWEEN ROTHERHITHE AND RATCLIFF AND APPROACHES THERETO AND FOR OTHER PURPOSES CONNECTED THEREWITH.

[6th August 1900.]

[Preamble.]

1. This Act may be cited as the Thames Tunnel (Rotherhithe and Ratcliff) Act 1900. short title.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):— Interpretation.

“The Council” means the London County Council:

“Street” has the meaning assigned to that term in the Metropolitan Management Acts 1855 to 1893:

“The tunnel” means the tunnel or subway herein-after described;

“The street improvements” means the approaches to the tunnel and the new streets widenings of streets and footway herein-after described.

And the several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction :

Provided that for the purposes of this Act the expression “the promoters of the undertaking” and “the company” in the Lands Clauses Acts shall be construed to mean the Council.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts are (except section 133 of the Lands Clauses Consolidation Act 1845 (land tax and poor’s rate to be made good) and except where expressly varied by this Act) incorporated with and form part of this Act.

Power to Council to make works.

4. Subject to the provisions of this Act in the line or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the Council may execute the works in the county of London herein-after described viz. :—

A new road commencing in Lower Road at or near the junction of Union Road with that road in the parish of Rotherhithe and terminating in the hamlet of Ratcliff at the junction of Horseferry Branch Road with Commercial Road East including a widening of Horseferry Branch Road ;

A tunnel or subway in or under the bed of the River Thames by means of which the said new road herein-before described will be carried under the river such tunnel commencing in the parish of Rotherhithe between Albion Street and Adam Street where the East London Railway crosses under the said streets and terminating in the hamlet of Ratcliff near the junction of Butcher Row with Broad Street and Medland Street ;

A widening of Lower Road in the parish of Rotherhithe on the eastern side thereof ;

A road commencing in the said parish of Rotherhithe at a point near the commencement of the new road herein-before described consisting in part of a widening of Adam Street and terminating in the same parish at the point of junction of Kinburn Street with Brunel Road ;

A footway in the parish of Rotherhithe commencing in Albion Street near the East London Railway tunnel under the said street and terminating in Adam Street near the East London Railway tunnel under Adam Street ;

A new road in the hamlet of Ratcliff commencing in Broad Street and terminating in Collingwood Street ;

A widening of Broad Street on the northern side thereof in the hamlet of Ratcliff commencing at the commencement of the new road lastly herein-before described and terminating at Butcher Row ;

A widening of Butcher Row in the hamlet of Ratcliff ;

A widening of Medland Street in the hamlet of Ratcliff ;

A widening of Rose Lane in the hamlet of Ratcliff :

Together with all such approaches and incidental works as may be necessary or convenient including any lifts stairs subways passages and means of ingress or egress.

5. The Council may in accordance with the deposited plans and sections construct as part of the new road herein-before described such bridges over the East London Railway as may be necessary for the purpose of carrying out the works by this Act authorised and the Council may for the purpose of the said new road or widening of Horseferry Branch Road in the hamlet of Ratcliff take down re-construct and alter the bridge carrying the London and Blackwall Railway over the said Horseferry Branch Road and the Council may enter into and carry into effect agreements with any railway company owning or interested in any railway interfered with under the powers of this Act with respect to the execution of the necessary works.

Alteration
of railway
bridges
and other
works.

6. *[Power to the Council to purchase certain lands for re-housing labouring-class persons displaced under this Act. Extended by 1 Edw. 7, c. cclxxii. s. 23 (2), and spent.]*

7. *[Power to the Council to take lands for the purposes of this Act. Varied by 1 Edw. 7, c. cclxxii. s. 23 (3), and 5 Edw. 7, c. cevi. s. 19, and spent.]*

8—14. *[As to acquisition of easements—Errors and omissions in plans—Power to the Council to enter and survey lands to be taken—As to arbitration, compensation in the case of recently altered buildings, and as to taking parts only of certain properties described in the Schedule to this Act. Spent.]*

15—21. *[Power to the Council to stop up ways temporarily, to raise or lower streets, to underpin or otherwise strengthen houses near the subway, and to deviate—As to works in and on the banks of the River Thames, and for the protection of the Thames Conservators.*]*

22. For the protection of the Surrey Commercial Dock Company (in this section referred to as “the Company”) the following provisions shall unless otherwise agreed between the Company and the Council have effect (that is to say):—

For protec-
tion of
Surrey Com-
mercial Dock
Company.

(1) It shall not be lawful for the Council in the construction of the tunnel and the approaches and other works connected therewith or subsidiary thereto to deviate to any extent in an easterly direction from the centre line thereof shown on the deposited plans either at the point where Shaft No. 2 of the tunnel is shown on the deposited plans or for a distance of 100 yards on either side thereof:

(2) In connexion with the said works and with reference to the Shaft No. 2 shown on the deposited plans and also on the plan signed by the Right Honourable Earl Brownlow the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and deposited in the Parliament Office of the House of Lords and also signed by Sir Frederick Dixon Dixon-Hartland chairman of the conservators (in this section referred to as “the plan”) the Council shall with the consent of the conservators testified by the signature of their chairman on the said plan construct a new wharf wall as shown on the plan in advance of the existing wharf wall to the westward of the Surrey entrance to the docks of the Company shown on the plan (herein-after called “the Surrey entrance”) in such manner as to reclaim from the foreshore or bed of the River Thames the portion of land edged pink on the plan

* These provisions, being transitory, are not set out.

The said new wharf wall shall be constructed in all respects to the reasonable satisfaction of the engineer of the Company :

- (3) As soon as the construction of the said new wharf wall and the said Shaft No. 2 and the works in connexion therewith and the reclamation of the land edged pink on the plan shall respectively have been completed the said new wharf wall and the land on which the same is constructed together with such portions of the land edged pink on the plan as are thereon hatched blue shall by virtue of this Act become and thenceforth be transferred to and vested in the Company in fee simple for the purposes of their dock and canal undertaking And the production of a Queen's Printers' copy of this Act duly stamped shall be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Company of the said new wharf wall and land on which the same is constructed and the said portions of the said land edged pink on the plan :
- (4) The said new wharf wall and the lands to be vested in the Company under the last preceding sub-section shall for the levying and recovering of tolls rates and charges and for all other purposes whatsoever be deemed part of the docks of the Company and all the rights powers privileges and authorities now enjoyed or exercised by the Company in respect of the existing wharf wall herein-before mentioned and the waterway in front thereof shall extend and apply to and may be enjoyed and exercised by the Company in respect of the said new wharf wall and the waterway in front thereof :
- (5) Before constructing the new wharf wall and staging the Council shall at their own expense in all respects remove the existing dolphin belonging to the Company and situate opposite the upper pier head at the Surrey entrance and shall at the expense of the Council in all respects construct a new dolphin in the position shown on the plan or in some other position to be agreed between the Council and the Company with the consent of the conservators Such new dolphin to be constructed in accordance with plans previously submitted to and approved by the engineer of the Company and to the satisfaction of the said engineer and shall be so constructed and handed over prior to the removal of the existing dolphin And it shall be lawful for the Company to maintain and from time to time execute such repairs as may be necessary upon the said dolphin :
- (6) The Council shall be liable to compensate the Company for any inconvenience loss damage or injury of whatsoever kind which may result to the Company from the execution or continuance of the works authorised and the exercise of the powers granted to the Council by this Act Provided that the claim for compensation in respect of such inconvenience loss damage or injury be made within 6 months after the discovery thereof Provided also that every case of compensation to be ascertained under this sub-section shall be ascertained in accordance with the provisions of the

Lands Clauses Acts Provided also that in case of any claim being made by the Company against the Council for compensation in respect of any damage or injury to the Company's present wharf the provisions of this section with respect to the formation of the new wharf shall be taken into account :

- (10) In case any difference shall arise between the Company and the Council or their respective engineers as to the true intent or meaning of any of the provisions of this section or to the construction or carrying into effect of any of the works matters or things to be done or performed by the Council in pursuance thereof or otherwise in relation thereto the same shall (except so far as in this section is otherwise provided) be referred to arbitration in accordance with the provisions of the Arbitration Act 1889 and any Acts amending the same.

[Parts omitted (provisions relating to the construction of the works and of a temporary staging, spent.)]

23. [As to compensation to the London & India Docks Joint Committee for damages done by the works until 5 years after the completion thereof, such compensation to be claimed within 6 months after the happening of any such damage.]

24. [Recital of the leasing for 999 years of the Blackwall Railway to the Great Eastern Railway Company (in this section called "the Great Eastern Company") by the London and Blackwall Railway Lease Act 1865.] The following provisions for the protection of the Blackwall Company and the Great Eastern Company shall (unless otherwise agreed in writing between the Council and the Great Eastern Company) be observed and have effect (that is to say) :—

For protection of the London and Blackwall and Great Eastern Railway Companies.

- (2) If the Council shall purchase any portion of the premises numbered 178 179 and 180 on the deposited plans in the hamlet of Ratcliff which shall not be required by the Council for the purpose of the said widening they shall before disposing of the same offer to sell the same to the Great Eastern Company and that Company shall have the right to purchase the same at a price to be determined in default of agreement by arbitration in manner provided by the Lands Clauses Acts :

- (5) The Council shall indemnify the Great Eastern Company for any damage or compensation which may be recovered against that Company by reason of any interruption of the traffic on the Blackwall Railway or by reason of any accident thereon which interruption or accident shall have been caused by the acts or defaults of the Council or any of their contractors or their respective servants or workmen :

- (7) If it shall at any time within eighteen months from the reconstruction of the bridge carrying the Blackwall Railway over Horseferry Branch Road appear to the Company's engineer that any further or other works or appliances are required to prevent injury happening to the Blackwall

Railway owing to or in consequence of the said widening and the works connected therewith being constructed or having been constructed under or through the same the Council shall at their expense immediately on being required so to do in writing under the hand of the Company's engineer execute such works and do such things as may be reasonably required by the Company's engineer :

- (8) All girders and arches by which the Blackwall Railway is carried over the said widening and the abutments and walls upon which the same rest shall when completed to the satisfaction of the Company's engineer vest in and become the absolute property of the Blackwall Company and be deemed to be part of the Blackwall Railway leased to the Great Eastern Company as aforesaid but the Council shall from time to time and at all times after the vesting pay to the Great Eastern Company one half of the cost of maintaining repairing painting and renewing the same to be certified from time to time by the Company's engineer whose certificate shall be final and conclusive :

- (9) Notwithstanding anything in this Act the Council shall be responsible for and make good to the Blackwall Company and the Great Eastern Company and to each of those Companies all costs losses damages and expenses which may be occasioned to the Blackwall Company and the Great Eastern Company or to either of those Companies or to any of their railways works or property or to the traffic thereon or otherwise by reason of the execution or failure of any of the works by this Act authorised or of any act or omission of the Council or of any person in the employ of the Council or of their contractors or agents and the Council shall effectually indemnify and hold harmless the Blackwall and Great Eastern Companies and each of them from all claims and damages upon or against them by reason of such execution or failure and of any such act or omission :

- (14) If any question or difference shall at any time arise between the Council and the Blackwall Company and the Great Eastern Company or either of them as to the meaning or effect of this section or any provision therein contained the same shall unless otherwise agreed or provided be determined by arbitration in manner provided by the Arbitration Act 1889 and if any question or difference shall at any time arise between the engineer of the Council and the Company's engineer in respect of any of the matters and things provided for or referred to in the foregoing subsections the same shall be settled by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers :

- (16) The provisions of this section for the protection of the Great Eastern Company shall apply and have effect mutatis mutandis for the protection of the Blackwall Company upon the expiration or sooner determination of the lease of the Blackwall Railway to the Great Eastern Company.

[Part omitted (as to the widening of Horseferry Branch Road and

the construction of the bridge carrying the Blackwall Railway over the said road) spent.]

25. The following provisions shall apply and have effect for the protection of the East London Railway Company (which said Company are herein-after called "the East London Company") :—

For protection of the East London Railway Company.

(4) The Council shall at all times maintain in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the East London Company the said bridge* or other works placed on or over the property of the East London Company and if and whenever the Council fail so to do the East London Company may make or do in and upon as well the property of the Council as their own property all such works and things as may be reasonably requisite in that behalf and the reasonable amount of such expenditure shall be repaid to them by the Council :

(6) [*The Council to pay the East London Company's expenses of inspection, watching, and prevention of accidents during the construction and repair of the bridge and works.*]

(7) If by reason of the execution of any of the works or any proceedings of the Council or the failure of any such works or any act or omission of the Council or of their contractors or of any person in the employ of the Council or their contractors the railway or station of the East London Company or any of the works connected therewith shall sustain any injury or damage such injury or damage shall be forthwith made good by the Council at their own expense or in the event of their failing so to do the East London Company may make good the same and recover the expense thereof from the Council. And if any injury damage or delay shall be occasioned to any traffic on the railway of the East London Company by reason of any of the matters aforesaid the Council shall on demand pay to the East London Company all costs and expenses to which they may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any injury damage or delay :

(8) Any difference which may from time to time arise between the Council and the East London Company under any of the provisions of this section shall be determined by an arbitrator to be appointed by the President of the Institution of Civil Engineers upon the application of either party.

[*Parts omitted (provisions relating to the construction of the works) spent.*]

26. For the protection of the London Riverside Fish Market Company (herein-after called "the Market Company") and the Linde British Refrigeration Company Limited (herein-after called "the Linde Company") the following provisions shall apply :—

For protection of the owners of the London Riverside Fish Market and the Linde British Refrigeration Company.

(1) Nothing in this Act shall empower the Council to purchase and take otherwise than by agreement any part of the market or premises of the Market Company other than

* *i.e.* a girder bridge by which the approach road to the tunnel is to be carried over the East London Railway and Station at Rotherhithe.

the portions coloured respectively red and green on the signed plan and the land required for the site of the new road herein-after mentioned . . . :

- (10) The Council and their contractors or workmen shall so far as reasonably practicable not allow any soil earth or other material excavated in the construction of the tunnel and works to be conveyed through any of the streets known as Leading Street Lower Shadwell Shadwell Green Goulds Hill Garth Street and the Market Place so as to interfere with the market and ice works traffic in those streets and places but all such soil earth and other material shall so far as reasonably practicable be removed in barges :

In the event of a breach of any of the provisions of this sub-section by any contractor or any other person acting for or on behalf of the Council such contractor or person shall be liable to a penalty of not exceeding twenty pounds for each such breach :

- (12) If the Council require to use electric energy for any purpose in the construction or maintenance or lighting of the tunnel and shall erect any generating plant on the western portion of the lands coloured red on the signed plan the Council may lay any necessary cables and wires therefrom to their tunnel and works through the site provided for the Linde Company as aforesaid * but in such manner as not to interfere with the working or use of the new warehouse ice works cold stores and machinery or through the proposed new road and the roadway numbered 13 on the deposited plans :

- (14) The Council shall be liable to compensate the Market Company for any inconvenience loss damage or injury of whatsoever kind which may result to the Market Company from the execution or continuance of the works authorised and the exercise of the powers granted to the Council by this Act Provided that the claim for compensation in respect of such inconvenience loss damage or injury be made within six months after the discovery thereof Provided also that every case of compensation to be ascertained under this sub-section shall be ascertained in accordance with the provisions of the Lands Clauses Acts Provided also that in case of any claim being made by the Market Company against the Council for compensation in respect of any damage or injury to the property numbered 11 the provisions of this section shall be taken into account :

- (15) Notwithstanding anything contained in this Act the Council shall not stop up or otherwise interfere with temporarily or otherwise any of the before-mentioned streets or Market Place except the portion of Lower Shadwell coloured red on the signed plan :

- (17) In this section the expression "the signed plan" means the copy of the deposited plan coloured for the purposes of this section and signed by Robert Gunter the Chairman

* The event in which the Council had to provide this site did not happen.

of the Committee of the House of Commons to whom the Bill for this Act was referred :

(18) In the event of the Linde Company under any power enabling them in that behalf assigning their lease or any of the property to which the provisions of this section apply the said provisions shall extend and apply to their assignee :

(20) In the event of the undertaking of the Market Company under the London Riverside Fish Market Acts 1882 and 1885 being transferred to any other body or person* the foregoing provisions of this Act referring to the said Company shall be read and have effect as referring to such transferee.

[Parts omitted (power to the Council to take an easement of constructing and maintaining the tunnel, provisions relating to the construction of works, and as to the determination of differences between the Linde Company and the Council by arbitration).]

27. *[Transitory provisions for the protection of Messrs. Batger & Co.]*

28. *[Power to the Council to make subsidiary works and to stop up streets and appropriate the sites thereof, to alter and interfere with drains and sewers on providing proper substitutes—Vesting the soil of streets, etc., stopped up in the Council—Substituted sewers and drains to be under the same management as existing sewers and drains.]*

29. The Council may lay out the tunnel and the street improvements or any part of the same for carriage roads and for footways as they may think proper and may sewer level pave metal flag channel and complete such carriage roads and footways and may from time to time execute all such works and do all such acts in under or upon any of the roads and footways forming part of the works by this Act authorised as they may from time to time think proper for preserving repairing and improving the tunnel and the works connected therewith and may for that purpose enter upon and break open the soil and pavement of such roads and footways and any sewers drains or tunnels within or under the same causing as little inconvenience as may be in the execution of the powers hereby conferred and restoring the said roads footways sewers drains or tunnels as nearly as practicable to the same condition as they were in before such breaking and opening The Council may also at any time (if they think it expedient so to do) close the tunnel wholly or in part for the purpose of repairing the same or any part thereof and for the purpose of sewerage levelling paving flagging and channelling the carriage and foot way through the same or any part thereof or of the approaches thereto so far as they are to be maintained and repaired by the Council.

Making
maintenance
repair and
lighting of
roads and
works.

The tunnel and the road and footways through the same and the approaches thereto when completed as aforesaid shall be public highways but the soil thereunder other than the soil or bed of the River Thames vested in the conservators of the River Thames shall remain vested in the Council for such estate or interest as shall have been acquired by the Council therein and the tunnel and the road and footways through the same and the immediate approaches thereto and the sewers drains and other works therein shall subject to the provisions of this Act be maintained repaired

* The undertaking of the Market Company was transferred to the Mayor and Commonalty and Citizens of the City of London by the London Riverside Fish Market (Transfer to the Corporation of London) Act 1901.

and lighted by the Council and the remainder of the approaches and the street improvements and the roadways and footways thereof respectively shall as from the date of the certificate of completion hereafter mentioned be public highways and be maintained repaired and lighted as other public highways by the road authorities of the districts in which they will be respectively situate and the sewers drains and other works on and in that part of the approaches improvement roadways and footway which is to be maintained by the said road authorities shall be maintained and repaired by such road authorities respectively. The Council may by order under their common seal define the points between which the respective obligations of the Council and the said road authorities as to repair maintenance and lighting shall extend. A copy of any such order certified as such under the hand of the clerk of the Council shall be accepted as evidence of the due making of such order.

30. [*Transitory provisions as to compensation in case of insanitary property. Spent.*]

31—32. [*As to the alteration of water, gas, and other pipes—For the protection of gas companies.*]

For protec-
tion of South
Metropolitan
Gas Com-
pany
(Rotherhithe
Works).

33. If at any time after the commencement of any of the works by this Act authorised and until the expiration of five years after the completion of the said works any damage shall at any time be done or happen to any of the houses buildings works or other property of the South Metropolitan Gas Company by reason or in consequence of the works hereby authorised or any of them including any abstraction of underground water caused thereby the Council shall from time to time and as often as the same may occur make good and repair such damage with all reasonable despatch but the Company shall be bound forthwith to give notice in writing to the Council if they have reason to apprehend that any such damage is likely to occur.

34. [*Power to the Council to construct vaults, cellars, arches, sewers, drains, subways, and other works.*]

35. [*As to the laying of pavements and requiring the same when laid to be repaired by the authority in whom the repair of the street is vested or by any other persons liable to repair the same.*]

36. [*Power to the Council to fill up sewers or drains on providing proper substitutes, which are to be under the same management as the existing sewers and drains.*]

37. [*Power to alter steps, pipes, areas, etc. Spent.*]

Applying
provisions of
London
County
Council
(Subways)
Act 1893.

38. The provisions of the London County Council (Subways) Act 1893 shall apply to any subway to be constructed under the powers of this Act under or in connexion with the works by this Act authorised as if such subway or part thereof had been included in the expression "subway" in the said Act of 1893 and the provisions of section 3 of the said Act shall apply during the actual construction of any such subway. Provided that for the purposes of the application of the said Act of 1893 to any subway to be constructed under the powers of this Act the London Hydraulic Power Company shall be deemed to be a water company.

Prohibiting
interference
with tunnel.

39. It shall not be lawful for any company or person to break up or interfere with any part of the tunnel or the carriageway or footway thereof unless and until such company or person shall have obtained the consent of the Council thereto and the Council may as consideration for granting any such licence impose such conditions and restrictions as they may think fit.

40—41. [*Period for compulsory purchase of land limited to 5 years. Spent.—Period for completion of works limited to 7 years.*]

42. When and as each of the street improvements or any part thereof is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made.

Certificate of completion of improvements.

43. The Council shall maintain and light the tunnel and may enter into and carry into effect any agreement with any other body or person with respect to lighting the tunnel.

Maintenance and lighting of tunnel.

44. [*Power to the Council to sell materials.*]

45—46. [*Power to the Council to lease surplus lands—As to sale of ground rents. Identical with 54 & 55 Vict. c. ccvi. ss. 28—29.*]

47. [*Power to the Council to sell land without leasing. Identical with 57 & 58 Vict. c. clxxxv. s. 30.*]

48. [*Power to the Council to let or exchange lands. Identical with 62 & 63 Vict. c. cexxxvii. s. 22.*]

49. Any lands acquired by the Council under the powers of this Act except such as are required to form part of the site of the tunnel or approaches or the street improvements or to be retained for the purposes thereof and except lands on which buildings shall have been erected by the Council in pursuance of the section of this Act of which the marginal note is "Restrictions on displacing persons of labouring class" shall subject to the provisions of any future Act of Parliament be sold or disposed of by the Council within a period of sixty years from the first day of September next after the passing of this Act and section 127 of the Lands Clauses Consolidation Act 1845 shall not apply to any lands acquired by the Council under the powers of this Act.

Council to dispose of lands within a certain period.

50—51. [*Receipts of the Council to be effectual discharges—Power to the Council to make agreements with owners of property. Identical with 54 & 55 Vict. c. ccvi. ss. 33—34.*]

52—53. [*As to re-housing labouring-class persons displaced—A copy of the re-housing scheme under this Act to be forwarded to the Rotherhithe Vestry. Spent.*]

54. The Council may under this Act and any other Act enabling them in that behalf make and enforce byelaws and regulations for the control and protection of the tunnel and of persons resorting to or using the same and for the management and direction of traffic therein. Such byelaws shall be subject to the provisions of the Metropolis Management Act 1855 respecting the making contents confirmation approval and evidence of byelaws and of proceedings before justices and recovery of penalties thereunder. [*See also 18 & 19 Vict. c. 120, ss. 202 and 203; and 63 & 64 Vict. c. cclxviii. s. 25.*]

Byelaws.

55—57. [*Transitory provisions as to compensation to workmen during the construction of the works, and to certain watermen and lightermen, and as to compensation to the Watermen's Company in respect of "Sunday ferry rights."*]

58. [*Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council (Money) Acts 1900—1905.*]

As to pay-
ments under
this Act.

59. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (as to expenses of obtaining Act) spent.*]

SCHEDULE. [*Description of properties of which portions only may be taken by the Council. Spent.*]

CHAPTER CCXXXVIII.

AN ACT TO ENABLE THE LONDON COUNTY COUNCIL TO WORK THEIR TRAMWAYS BY ELECTRICAL POWER AND FOR OTHER PURPOSES.

[6th August 1900.]

[*Preamble.*]

Short title.

1. This Act may be cited as the London County Tramways (Electrical Power) Act 1900.

Interpreta-
tion.

2. In and for the purposes of this Act—

“The Council” means the London County Council;

“The tramways” means any tramway in the administrative county of London which has been or shall be acquired by the Council or which shall be constructed by the Council under the powers of any Act of the present session;

Terms to which meanings are assigned by the Tramways Act 1870* have the same meanings respectively.

Use of
electrical
power.

3. The Council may with the consent of and according to a system approved by the Board of Trade adopt and use electrical power for the purpose of moving vehicles on the tramways. Provided that such approval shall not be given by the Board of Trade until the road authority shall have had an opportunity of being heard thereon and any such approval may be given subject to such conditions and for such time as the Board of Trade may think fit.

The Board of Trade shall make regulations (in this Act referred to as “the Board of Trade regulations”) for securing to the public all reasonable protection against danger arising from the use under this Act of electrical power on the tramways and for regulating the use of electrical power. Provided that such regulations shall be submitted to the road authority before being made by the Board of Trade and the road authority shall be afforded an opportunity of being heard thereon.

The Council or any company or person using electrical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof.

The Board of Trade if they are of opinion—

(a) That the Council or such company or person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

* See Appendix.

(b) That the use of electrical power as authorised under this

Act is a danger to the passengers or the public ;
may by order either direct the Council or any company or person to cease to use such electrical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Council or such company or person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

4. The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages :—

Special provisions as to use of electrical power.

(1) The Council shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2) The Council shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

(3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

(4) The Council shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Council either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :

(5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :

(6) If any difference arises between the Council and any other party with respect to anything herein-before in this section

contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

- (7) When any department of Her Majesty's Government represents to the Board of Trade that the use of electrical power under this Act injuriously affects or is likely to injuriously affect any instruments or apparatus whether electrical or not used in any observatory or laboratory belonging to or under the control of that department the Board of Trade after such inspection or inquiry as they may think proper may by their regulations require the Council to use such reasonable and proper precautions including insulated returns as the Board of Trade may deem necessary for the prevention of such injurious affection. For the purposes of this sub-section any inspector of the Board of Trade may during his inspection of the Council's works and apparatus be accompanied by any person or persons appointed in that behalf by the Government Department concerned and the Council shall give all due facilities for the inspection. Provided always that in the case of any observatory or laboratory established after the passing of this Act or of any instruments or apparatus hereafter used in any existing observatory or laboratory which may be of greater delicacy than those used therein at the passing of this Act the Board of Trade shall consider to what extent if any it is expedient in the interests of the public that the powers of this sub-section should be exercised regard being had to the site of the observatory or laboratory or the purposes of the instruments or apparatus as the case may be :

- (8) The expression "Council" in this section shall include lessees licencees and any person owning working or running carriages over any tramway of the Council.

As to injury
to pipes etc.
by electro-
lytic action.

5. If it be proved that any injury or damage to any gas or water pipes or other metallic pipes structures or substances of any gas or water company shall have resulted from fusion or electrolytic action caused by any currents generated or used by the Council for the purpose of electric traction under this Act nothing in this Act shall relieve the Council from any liability to make compensation for any such injury or damage which would have existed but for the passing of this Act.

Power to
construct
and provide
appliances.

6. Subject to the provisions of this Act the Council for the purpose of working the tramways by electrical power or for providing access to or forming connexions with any generating station or stations engines machinery or apparatus may exercise the following powers (that is to say):—

They may place lay down construct and maintain on in under or over the surface of any street and may attach to any house and building such posts conductors wires cables and apparatus and may make and maintain such openings and ways in or under the surface of any street as may be necessary or convenient for such working ; and

They may reconstruct or make such alterations of the tramways and may execute all such works on or in connexion therewith in over or under the streets or roads in which the same are laid as may be necessary for adapting the same to be so worked :

Provided that in the following cases the following consents shall be necessary to enable the Council to exercise the power (that is to say) :—

If the power affects any tramway belonging to but leased by the Council—
the consent of the lessee of such tramway ;

In the case of any attachment to any house or building—
the consent of the owner lessee and occupier of such house or building which shall be by agreement in writing and may be made upon and subject to such terms and conditions as may be agreed between the contracting parties but not so as to affect the rights of persons not parties to such agreement :

Provided also that the Council shall submit plans and particulars of any proposed work so far as affects any sewer ventilator grating underground lavatory or other property of any road authority to such road authority and if within a period of twenty-one days from the submission of the plans and particulars to the road authority the road authority object to the work or make any requirement in respect thereof with which the Council are unwilling to comply the matter in difference shall on the application of the Council or of the road authority be referred to arbitration. [See also s. 10.]

7.—(1) In addition to the requirements of section 26 of the Tramways Act 1870 * the Council before they proceed to open or break up any road for the purpose of reconstructing or adapting for electrical traction any tramway or for renewing or maintaining any part of such tramway shall lay before the Board of Trade and the road authority a plan showing the proposed mode of reconstruction adaptation renewal or maintenance and a statement of the materials intended to be used therein and the Council shall not commence such reconstruction adaptation renewal or maintenance of any part of the tramway (except for the purpose of necessary repairs) until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement :

Further provisions as to paving materials of roads.

Provided that such approval shall not be given by the Board of Trade until the road authority shall have had an opportunity of being heard thereon.

(2) The material to be used for paving that part of the road which under section 28 of the Tramways Act 1870 * or any other Act or agreement the Council is required to maintain shall be such as the road authority shall reasonably require before the approval of the plan shall be given by the Board of Trade. Provided that in the case of any tramway on which electrical traction is or is to be used the road authority shall not require to be laid between the rails of the tramway paving of any material or in any manner which would interfere with the efficient working of the system :

Any difference which may arise between the Council and the road authority as to whether any requirement of the road authority with respect to such paving material is reasonable shall be determined by arbitration.

* See Appendix.

(3) If at any time a road authority shall desire to pave that part of any road which such authority is liable to maintain with any paving material differing from the material at the time in use on the part of the road outside the rails of the tramway which the Council is liable to maintain the road authority may if they think fit by notice in writing under their seal require the Council to alter the paving materials of the part of the road outside the rails which the Council is liable to maintain and replace the same with similar paving material to that employed by the road authority for the paving of that part of the road which such authority is liable to maintain and the Council shall alter and replace the same accordingly. Provided that the costs and expenses of the Council in effecting such alteration and replacement shall be repaid by the road authority to the Council:

Any difference which may arise between the Council and the road authority as to the amount of such costs and expenses shall be determined by arbitration.

(4) The Council and the road authority may enter into and carry into effect any agreement as to the execution either by the Council or the road authority of the work involved in paving or repaving that part of the road which the Council is required to maintain outside the rails of the tramway. [*See also the Tramways Act 1870, s. 29 (see Appendix).*]

Saving
access to
sewers etc.

8. The reconstruction or alteration of any tramway under the powers of this Act shall not prejudice or affect any right of any road authority of access to and communication with sewers or drains or of laying lateral or private drains.

Application
of materials
excavated
in construc-
tion of
works.

9. Any materials of any tramway reconstructed or altered under the powers of this Act and any paving metalling or road material excavated by the Council in the construction of any works authorised by this Act from any road under the control of any vestry* or district board of works* may be applied by the Council so far as may be necessary in the reconstruction of tramways and in making the foundation for tramways and in the reinstating of the road and any paving metalling or road material which the Council do not require to use shall be delivered at such dépôt street or place within the district of the road authority as their surveyor may direct. Provided that if within seven days after notice has been given to the surveyor he does not give directions as to the dépôt street or place at which such paving metalling or road material is to be delivered such paving metalling or material shall absolutely vest in and belong to the Council and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Council and any road authority or their surveyor with reference to any matter arising under this section shall be determined by arbitration.

Alterations
in streets etc.

10. If any alterations to roads footways sewer entrances underground lavatories lamp columns or other things belonging to a road authority erected or placed in any street or road are rendered necessary by the reconstruction or alteration of any of the tramways the Council shall pay the cost thereof. Provided that if any difference shall arise between the Council and the road authority as to whether any requirements of a road authority with respect to such alterations are reasonable the matter in difference shall be determined by arbitration. [*See also s. 6.*]

* Now the Council of the Metropolitan Boroughs. See 62 & 63 Vict. c. 14, s. 4.

11. The provisions of sections 26 to 33 of the Tramways Act 1870 * with respect to the making forming laying down maintaining and renewing of a tramway shall extend and apply to the reconstruction and alteration of any tramway under this Act and shall also (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) apply as if all posts conduits tubes pipes wires and other apparatus used or to be used by the Council for the purposes of electrical power were parts of the tramways and for the purposes of the said sections the expression "the Promoters" means the Council.

Electrical power works subject to Tramways Act 1870.

12. The Council shall provide and maintain in proper order where and as required by the road authority such gullies drains and appliances as may be necessary to prevent the overflow of water from the rails on to the road and wherever the Council for the purposes of this Act have placed in any street any conduit or chamber having any opening from the surface of such street the Council shall keep such conduit or chamber properly cleansed and free from offensive matter.

Drainage and cleaning of rails and conduit.

All accumulations of matter removed from the conduit or grooves of the tramway rails shall be removed by the Council in a covered cart or other receptacle as soon as reasonably practicable and in any case within two hours of the removal thereof from the conduit or grooves.

13. Any question between the Council and a road authority referred to arbitration under the provisions of this Act shall be determined by an arbitrator nominated by the Board of Trade on the application of either party and subject thereto shall be deemed a submission to arbitration for the purposes of the Arbitration Act 1889.

Reference of certain questions to arbitration.

14. If the Council shall discontinue the use of any posts conductors wires cables or apparatus placed or maintained in or over any street or road for supplying electrical power to the carriages used upon the tramways or if the right of the Council to use electrical power supplied by means of any such posts conductors wires cables or apparatus shall cease and determine the Council shall forthwith at their own cost remove such posts conductors wires cables or apparatus and shall restore and make good such streets and roads to the satisfaction of the road authority and in case of default the road authority may do all things necessary for that purpose and recover the costs and expenses thereof from the Council.

Posts etc. to be removed if user discontinued.

15. If under the powers of this Act the Council raise sink or otherwise alter the position of any main pipe or apparatus laid down or used by any company or person for carrying a supply of water or water for hydraulic power or gas or any pipe tube wire or apparatus laid down or placed for telegraphic or other purposes or for supplying electricity the Council shall make proper substituted works during any alteration and cause as little detriment and inconvenience as circumstances admit to any company or person and shall make reasonable compensation to any company or person for any damage caused by any such alteration. Before the Council alter the position of any main pipe tube wire or apparatus laid down or used by any such company or person they shall (except in cases of emergency) give to the company or person to whom the same

Alteration of position of water gas and other pipes.

* See Appendix.

belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the work for effecting such alteration and such work shall be done under the superintendence (at the expense of the Council) of the company or person to whom such pipe tube wire or apparatus belongs unless such company or person refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the execution of such work and the Council shall execute such work to the reasonable satisfaction of the engineer of such company or person.

If any difference arise between the Council or their engineer and any such company or person or their or his engineer touching the amount of any expenses under the provisions of this section to be paid by the Council to any such company or person or as regards any work matter or thing to be done by the Council under this section or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon by the engineer of the Council and of any such company or person respectively or failing agreement by such engineer as shall on the application of the engineer either of the Council or of any such company or person be named by the President for the time being of the Institution of Civil Engineers.

Provided always that nothing in this section shall extend to prejudice or affect any of the provisions for the protection of any undertakers authorised to supply electrical energy contained in any special Act or any Provisional Order confirmed by Act of Parliament.

For
protection
of gas and
water
companies.

16. If within seven days after a notice under the last preceding section of this Act shall have been served upon any gas or water company that company so elect such company shall themselves execute all such alterations to their mains and pipes and the reasonable costs of executing such alterations shall be repaid by the Council to the company. Provided always that such alterations shall be carried out in accordance with the directions and to the reasonable satisfaction of the chief engineer of the Council.

As to bridges
and railways.

17.—(1) Where under the powers of this Act any tramway is to be reconstructed or altered or any wire cable or apparatus is to be laid in a street or road carried by means of a bridge over any railway the Council shall execute the work in such a manner as to alter or interfere as little as possible with the structure of the bridge or with the approaches thereto so far as they belong to the owners of such railway and they shall so maintain and use the said tramway and apparatus as to interfere as little as possible with the structure of any such bridge or approaches.

(2) Any interference with or alteration of the structure of any such bridge shall only be executed by the Council according to plans and sections to be previously submitted to and reasonably approved by the engineer of the owners of the railway over which the bridge is carried and all works affecting any such bridge shall be carried out under the superintendence and to the reasonable satisfaction of the said engineer:

Provided that unless the engineer of the owners by notice in writing to the Council within twenty-one days after the submission of such plans and sections give notice in writing to the Council

objecting thereto or making any requirement with respect thereto the said plans and sections shall be deemed to have been approved on behalf of the owners of the railway and the work may be proceeded with accordingly.

(3) In the event of any injury being caused to any such bridge or approaches by any works for reconstructing altering or repairing any tramway or any wire cable or apparatus the owners of the railway may at the expense of the Council restore such bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Council shall indemnify the owners against all expenses to which they may be put in repairing so much of the bridge or the road over such bridge and approaches as the company are liable to maintain and repair and the owners may recover from the Council the amount of such expenses.

(4) In case it shall become necessary in consequence of the reconstruction or alteration of any tramway or the use thereof when worked by electrical power to strengthen the structure of any such bridge the owners of the railway may after giving to the Council seven clear days notice thereof execute such works as may be necessary to strengthen such bridge and the costs and expenses of and incidental to such strengthening shall be repaid by the Council to the owners.

(5) If it becomes advisable having regard to the relative positions of the works of the Council and the works of the owners of the railway that the electric telegraphic telephonic or signal wires and apparatus connected with the railway should be placed in cable or otherwise altered the owners of the railway may execute any works reasonably necessary for such cabling or alteration and the expense of executing such works shall be borne by the Council.

(6) If any difference shall arise under this section between the Council and the owners of any railway as to anything to be done under the provisions of this section or the reasonableness of any requirements or of any charges under this section the matter in difference shall unless otherwise agreed be determined by a referee in accordance with the provisions of section 33 of the Tramways Act 1870.*

(7) For the purpose of this section the expression "bridge" shall include a covered way over any railway and the structure covering any railway beneath a street and the expression "owners of the railway" shall include any company liable to maintain the bridge. [See also 1 *Edw.* 7, c. cclxxi. s. 27; 2 *Edw.* 7, c. ccxix. s. 44; 3 *Edw.* 7, c. ccxix. ss. 7, 17—22, 26; 4 *Edw.* 7, c. ccxxxi. ss. 14 and 15.]

18.—(A) Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

For protection of
Postmaster
General.

(B) In the event of any tramways of the Council being worked by electricity or of any works being executed for placing or laying any cable or wires or other apparatus by the Council in connexion with such working the following provisions shall have effect :—

(1) The Council shall construct their electric lines and other works of all descriptions and shall work their undertaking

* See Appendix.

in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Council have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Council shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :

- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Council of their electric lines and works or by the working of the undertaking of the Council the Council shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3)—(a) Before any electric line is laid down or any act or work for working the tramways by electricity or for the placing or laying of a cable wires or other apparatus by the Council is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Council or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Council and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;
- (b) Any difference which arises between the Postmaster-General and the Council or their agents with respect to any requirements so made shall be determined by arbitration :
- (4) In the event of any contravention of or wilful non-compliance with this section by the Council or their agents the Council shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (5) Provided that nothing in this section shall subject the Council or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the post-

master or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

- (6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (7) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (8) The expression " electric line " has the same meaning in this section as in the Electric Lighting Act 1882 * :
- (9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Council or their agents were a company within the meaning of that Act :
- (10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Council by indictment action or otherwise in relation to any of the matters aforesaid :
- (11) In this section the expression " the Council " includes their lessees and any person owning working or running carriages on any of the tramways of the Council.

19. [*Saving for Government Departments and the Crown Estate Paving Commissioners.*]

20. The Council shall not alter the system of electrical traction now adopted upon the tramways in the parish of Hammersmith except with the consent of the vestry of such parish † which consent shall not be unreasonably withheld And if any question shall arise between the Council and the vestry with respect to the reasonableness or otherwise of the action of the vestry in withholding such consent the matter shall be determined by arbitration.

For protection of Vestry of Hammersmith.

21. [*Saving the rights of the duchy of Cornwall.*]

22. The Council may enter into and carry into effect agreements with any company or person authorised to produce or supply electric energy for the supply to the Council of electric energy for any of the purposes of this Act.

Agreements as to supply of electric energy.

23. This Act shall not authorise the Council to place in any parish or district any posts or wires on or over any street for working tramways by electrical power unless the vestry of such

Overhead system not to be applied without consent of road authority.

* S. 32 of the Electric Lighting Act 1882 defines the expression " electric line " to mean " a wire or wires, conductor, or other means used for the purpose of conveying, transmitting, or distributing electricity with any casing, coating, covering, tube, pipe, or insulator enclosing, surrounding, or supporting the same, or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity or electric currents."

† Now the Council of the Metropolitan Borough of Hammersmith. See 62 & 63 Vict. c. 14, s. 4.

parish * or the board of works for such district * shall by a resolution have consented to the adoption therein of a system of traction conducted by means of posts and wires placed overhead. Such consent may be subject to any limitations or conditions which may be expressed in the resolution and may apply to any particular streets or roads or for any limited period defined by such resolution. A copy of such resolution under the seal of the vestry * or district board * shall be delivered to the Council and shall be evidence of the due passing of such resolution.

Provision
against inter-
ference with
tramways.

24. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any of the tramways anything which is calculated to obstruct or interfere with the working of the tramways or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 † with respect to the tramways shall be liable to a penalty not exceeding twenty pounds.

Provision
as to general
Tramway
Acts.

25. Nothing in this Act contained shall exempt the Council or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised to be taken by the Council on their tramways.

Repeal of
proviso to
section 24 of
North Metro-
politan Tram-
ways Act
1897.

26. So much of section 24 of the North Metropolitan Tramways Act 1897 as provides that the powers of that section shall not be exercised in the administrative county of London shall as from the passing of this Act be repealed.

27. [*Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council (Money) Acts 1901—1905.*]

Annual
receipts and
expenditure.

28. If and so far as the revenue of the Council arising from their tramways shall be insufficient to cover the expenses of maintenance and management and of providing for the requisite payments to the Consolidated Loans Fund in respect of money raised or expended for the purposes of tramways under this or any other Act the deficiency shall be from time to time defrayed as payments for special county purposes within the meaning of the Local Government Act 1888 and any balance of tramway revenue over expenditure shall at such times as the Council direct be carried to a reserve fund or to the special county account of the county fund. [*See note on 59 & 60 Vict. c. li. s. 10.*]

As to pay-
ments under
this Act.

29. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for special county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (expenses of obtaining Act) spent.*]

* Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

† See Appendix.

CHAPTER CCLXVIII.

AN ACT TO ENABLE THE LONDON COUNTY COUNCIL TO PURCHASE LANDS FOR VARIOUS PURPOSES TO PROVIDE FOR CONTRIBUTIONS BY THE COUNCIL AND CERTAIN VESTRIES AND DISTRICT BOARDS OF WORKS TOWARDS THE ACQUISITION OF LAND FOR OPEN SPACES TO EXTEND THE TIME LIMITED FOR THE PURCHASE OF CERTAIN LANDS BY THE COUNCIL TO CONFER POWERS ON THE VESTRY OF SAINT MARY BATTERSEA AS TO THE "LATCHMERE ALLOTMENTS" AND LANDS FOR AN ELECTRIC STATION AND FOR OTHER PURPOSES. [6th August 1900.]

[*Preamble.*]

PART I.—INTRODUCTORY.

1. This Act may be cited as the London County Council (General Powers) Act 1900. Short title.

2. In this Act "the Council" means the London County Council. Interpretation.

[*Part omitted (as to meanings of words in Acts incorporated) spent.*]

3. [*Incorporation of Lands Clauses Acts. Spent.*]

PART II.—PURCHASE OF LANDS.

4. Subject to the provisions of this Act the Council may purchase and take for the purposes of the Metropolitan Fire Brigade Act 1865 the lands in the county of London herein-after described and delineated on the deposited plans and described in the deposited book of reference viz.:— Purchase of lands for fire brigade purposes.

- (A) Lands in the parish of Paddington bounded on the west or south-west by Pickering Place and on the east or north-east by Pickering Mews comprising the premises known as Nos. 35 36 37 and 38 Pickering Place and Nos. 10 11 12 and 13 Pickering Mews;
- (B) Lands in the parish of Hammersmith situate on the western side of Brook Green Road and lying northward of the Congregational Chapel and forming the site of the Hammersmith fire-engine station;
- (C) Lands in the parish of Saint Pancras situate on the north-western side of Euston Road near the junction of that road with Euston Square and Upper Woburn Place comprising the premises known as No. 172 Euston Road;
- (D) Lands in the parish of Rotherhithe on the north-western side of Gomm Road situate to the south-westward of and adjoining the existing fire-brigade station of the Council and comprising the premises known as No. 2 Gomm Road;
- (E) Lands in the parish of Saint George-in-the-East bounded on the north by Tench Street on the east by Red Lion Street and comprising the premises known as Nos. 45 47 49 51 53 55 57 and 59 Red Lion Street Wapping;
- (F) Lands in the hamlet of Mile End Old Town on the north side of Mile End Road and comprising the existing fire-brigade station;

(g) Lands in the parish of Saint Mary Islington on the north-western side of Mayton Street Holloway comprising the premises known as Nos. 80 and 82 Mayton Street.

5. [*Power to the Council to take the forecourts only of Nos. 326, 328, 330, 332, 334, and 336 Battersea Park Road for the widening of that road authorised by 60 & 61 Vict. c. cclii. Spent.*]

Purchase of
lands for
open spaces.

6. Subject to the provisions of this Act the Council may purchase and take the lands in the county of London herein-after described delineated on the deposited plans and described in the deposited book of reference for the purposes of open spaces or recreation grounds viz. :—

(a) Lands in the parish of Saint Mary Newington bounded on the north-east by the Newington Recreation Ground and South London Sessions House on the north-west by Avonmouth Street on the south-west by the rear of houses and premises in Avonmouth Street and on the south-east by the rear of houses and premises in Bath Terrace ;

(b) Lands in the hamlets of Ratcliff and Mile End Old Town situate on the south side of Commercial Road East and bounded by the public roadway of Albert Square on the eastern southern and western sides.

The said lands in the parish of Saint Mary Newington shall for the purpose of control management and maintenance and for all other purposes be added to and form part of the Newington Recreation Ground and the said lands in the hamlets of Ratcliff and Mile End Old Town shall be deemed to be included among the parks gardens and open spaces to which the provisions of the London Council (General Powers) Act 1890 with respect to by-laws (Parks and Open Spaces) are applicable and shall be maintained managed and controlled by the Council as such.

7—19. [*Power to the Council to purchase lands by agreement—As to acquisition of easements—Errors and omissions in plans—Power to the Council to enter and survey lands to be taken—As to arbitration—Period for the compulsory purchase of lands limited to 3 years—Power to sell materials—Power to the Council to lease surplus lands, to sell ground rents, to sell such lands without leasing, and to let or exchange the same—Receipts of the Council to be effectual discharges—As to rehousing labouring-class persons displaced. Spent.*]

PART III.—OPEN SPACES.

20. [*Power to the Council to contribute £3,000, and to the Hampstead Vestry to borrow and contribute £1,000, towards the purchase by the Willesden Urban District Council of the Dollis Hill Estate for the purposes of a place of public recreation. Spent.*]

Purchase of
Ranger's
House
Greenwich
Park.

21. (1) It shall be lawful for the Council to purchase by agreement certain lands in the parish of Greenwich known as the Ranger's House Greenwich and lands adjoining thereto.

(2) Such lands when purchased shall be held and used by the Council subject to the terms of an Agreement dated the twenty-fifth day of June one thousand nine hundred and made between the Queen's most Excellent Majesty of the first part John Francis Fortescue Horner Esquire a Commissioner of Woods of the second part and the Council of the third part of which a copy is set out in the first schedule to this Act and of the conveyance to be made thereunder and shall be dedicated to the use of the public for the

purposes of public recreation only and shall be maintained and managed and controlled by the Council accordingly.

(3) The Council may subject to the terms of the said agreement and conveyance to be made thereunder alter and adapt the said house for use as a shelter or refreshment house or for any other purpose conducive to the convenience of the public.

22. [*As to contributions by local authorities towards the purchase by the Council of land as open spaces as follows—viz. by the Board of Works for the Limehouse District £2,000 towards the purchase of lands at Albert Square; by the Board of Works for the Lee District such sum as will with £3,500 to be contributed by the Council amount to the cost of the acquisition of lands at Manor Lane, Lee; and by the Board of Works for the Greenwich District a sum not exceeding £2,500 towards the purchase of Ranger's House, Greenwich Park. Spent.*]

PART IV.—EXTENSIONS OF TIME.

23—24. [*Extension till the 6th August 1903 of the period limited by 60 & 61 Vict. cc. cclxlii. and cclxlii. for the purchase of certain lands, and application of Part II. of the Railway Clauses Act 1863 to such extension. Spent.*]

PART V.—EXPLOSIVES IN TUNNELS—ENFORCEMENT OF BYELAWS.

25. Any person who shall offend against any byelaw made in respect of any tunnel of the Council prohibiting or regulating the conveyance through such tunnel of explosives or other goods articles matters or things which in the opinion of the Council are or may be dangerous shall be liable to a penalty of not exceeding twenty pounds.

Enforcement of bye-laws as to explosives in tunnels.

26. The Council may in writing authorise any one or more of the principal officers in charge of their tunnels or any other person specially appointed by them for the purpose to search any vehicles or packages and to open any packages brought into any tunnel or upon the approaches to any tunnel of the Council and any officer so authorised on producing his authority if required may inspect any such vehicles or packages and open any packages if he has reason to suspect that such packages contain explosives or any goods articles matters or things which have been or may be declared by the byelaws of the Council to be dangerous.

Inspection and search for explosives.

27. Any constable or any officer of the Council authorised in writing to enforce byelaws of the Council relating to any tunnel and any person called to the assistance of such constable or officer may without other warrant than this Act seize and detain any person committing or having committed any offence against any such byelaw whose name or residence is unknown to and cannot be ascertained by such constable or officer and take him to a police station or before a justice to be dealt with according to law :

Arrest of transient offenders against byelaws.

Provided that any officer of the Council acting under this part of this Act and not being in uniform shall have with him a written authority from the Council to act and shall produce the same if required.

PART VI.—MISCELLANEOUS.

28. [*Power to Council to purchase from the Lambeth Vestry lands known as Ferndale Road Baths, Lambeth, for the purposes of technical education. Spent. (See Council's Minutes, 12th February 1901.)*]

Conve-
niences on
disused
burial
grounds.

29. It shall be lawful for the Council and for the vestries* and district boards of works* in the county of London (including the Woolwich Local Board†) with the consent of the Council to erect and maintain upon any disused burial grounds in the county of London of which they respectively now have or hereafter may have the management or control such lavatories and sanitary conveniences as are necessary for the use of persons resorting thereto : [See 50 & 51 Vict. c. cvi. s. 50.]

Provided that the Council and vestries* and district boards of works* shall not exercise the powers contained in this section in respect of any disused burial ground which has been consecrated unless and until they have been authorised to do so by a faculty issued from the Bishop's court of the diocese in which such disused consecrated burial ground is situate and subject to such conditions and restrictions as shall be inserted in the faculty.

Penalties
in case of
chimney
fires.

30.—(1) If the chimney of any house or other building within the county of London shall be on fire the occupier of such house or building shall be liable on the demand of the Council made through their clerk or solicitor to pay to the Council a sum not exceeding twenty shillings towards the costs of the Metropolitan Fire Brigade.‡

If any sum so demanded by the Council be not paid within seven days it shall be lawful for a Petty Sessional Court on complaint by the Council to make an order on the occupier to pay to the Council the sum demanded or any less sum fixed by the Court.

Provided also that if the fire arose through the neglect or wilful default of any person other than the occupier the occupier may recover from such person summarily as a civil debt the whole or any part of the sum he may have paid under this section.

The provisions of section 128 of the Public Health (London) Act 1891 shall apply to the service of demands under this section.

(2) Section 23 of the Metropolitan Fire Brigade Act 1865 is hereby repealed.

PART VII.—POWERS TO THE VESTRY OF SAINT MARY BATTERSEA.

31—39. [*Powers to the Battersea Vestry to lay out part of the Latchmere Allotments as an open space or public recreation ground and to erect artisans' dwellings on other parts thereof. See also 5 Edw. 7, c. ccvi. ss. 54—56.*]

40. [*Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council Money Acts 1901—1905.*]

As to
payments
under this
Act.

41. The costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (expenses of obtaining Act) spent.*]

SCHEDULES.

FIRST SCHEDULE. [*An agreement of the 25th June 1900 made between the Queen's most Excellent Majesty of the first part, John Francis Fortesene Horner, Esquire, Commissioner of Woods, of the second part, and the London County Council of the third part, in reference to the purchase by the Council of the Ranger's House, Greenwich. Spent.*]

* Now the Councils of the Metropolitan Boroughs. See 62 & 63 Vict. c. 14, s. 4.

† Now the Council of the Metropolitan Borough of Woolwich. See 62 & 63 Vict. c. 14, s. 19.

‡ Now the London Fire Brigade. See 4 Edw. 7, c. ccxlv. s. 46.

SECOND SCHEDULE. [Description of the Latchmere Allotments.]

THIRD SCHEDULE. PART I. [An agreement of the 23rd May 1900 made between the Right Hon. Earl Spencer, K.G., of the one part, and the Battersea Vestry of the other part, relating to the Latchmere Allotments.]

PART II. [An agreement of the 23rd May 1900 made between Peter Proctor Haythornthwaite and others the Overseers of the Poor of the Parish of St. Mary Battersea of the one part, and the Vestry of the said parish of the other part, relating to the said allotments. Spent.]

CHAPTER CCLXIX.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO MAKE AN EXTENSION OF THE THAMES EMBANKMENT AND A NEW STREET AND IMPROVEMENTS AT WESTMINSTER TO WIDEN MARE STREET HACKNEY AND TO MAKE OTHER STREET IMPROVEMENTS AND WORKS IN THE ADMINISTRATIVE COUNTY OF LONDON AND FOR OTHER PURPOSES. [6th August 1900].

[Preamble.]

PART I.—INTRODUCTORY.

1. This Act may be cited as the London County Council Short title. (Improvements) Act 1900.

2. In this Act the following words and expressions have the Interpretation. several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

“The Council” means the London County Council;

“The improvements” means the improvements and works by this Act authorised;

“Street” has the meaning assigned to that term in the Metropolis Management Acts 1855 to 1893.

And the several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction:

Provided that for the purposes of this Act the expressions “the promoters of the undertaking” and “the company” in the Lands Clauses Acts shall be construed to mean the Council.

3. The Lands Clauses Acts are (except section 133 of the Lands Clauses Consolidation Act 1845 (land tax and poor’s rate to be made good) and except where expressly varied by this Act) incorporated with and form part of this Act. Incorporation of Lands Clauses Acts.

PART II.—IMPROVEMENTS.

4. Subject to the provisions of this Act in the lines or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the Council may execute the works in the county of London herein-after described viz.:— Power to Council to make works,

(1) *Thames Embankment Extension and Improvements at Westminster.*

An embankment wall and an embankment on the foreshore of the River Thames in continuation of the existing river embankment south of the Houses of Parliament commencing

at the present termination of the existing embankment at the south-eastern corner of the Victoria Tower Gardens and terminating at the northern side of Lambeth Bridge :

A new street consisting in parts of widenings of Abingdon Street and Millbank Street commencing in Abingdon Street opposite or nearly opposite the entrance to the Peers Office Court of the House of Lords and terminating at the western end of Lambeth Bridge :

A widening of Horseferry Road on the northern side thereof from Lambeth Bridge to Carpenter Street :

A widening of Wood Street on the southern side thereof from its junction with Millbank Street to its junction with Saint John Street :

Alterations of Smith Square and the approaches thereto comprising—

- (i) Widening of the roadway of the same on all four sides ;
- (ii) The widening of North Street from Wood Street as proposed to be widened to Smith Square ;
- (iii) Widening of Church Street at its junction with the roadway of Smith Square ;
- (iv) A new street commencing in Horseferry Road as proposed to be widened at about $1\frac{1}{2}$ chains eastward of Carpenter Street and terminating in Smith Square opposite the southern entrance to Saint John's Church ;
- (v) A new street commencing in Tufton Street about 1 chain northward of Little Tufton Street and terminating in Smith Square opposite the western side of Saint John's Church :

The said works will be situate in the parish of Saint John the Evangelist Westminster.

(2) *Mare Street Hackney Widening.*

- (i) A widening of Mare Street (Hackney) on the east side thereof commencing at the point where the North London Railway crosses Mare Street Hackney and terminating at the junction of Mare Street with Darnley Road :
- (ii) A widening of Morning Lane partly on the southern and partly on the northern or north-western side thereof commencing about a chain from the junction of Morning Lane with Mare Street and terminating near the southern end of Chalgrove Road :
- (iii) A new street commencing in Morning Lane at a point about $1\frac{1}{2}$ chains eastward of the junction thereof with Mare Street and terminating in Paragon Road at or near the entrance therefrom to Jerusalem Passage :
- (iv) A widening of Mare Street on the western side thereof commencing about $2\frac{1}{2}$ chains southward of the junction of the Grove with Mare Street and terminating at a point opposite Pemberton Place :
- (v) A widening of Mare Street on the eastern side thereof commencing between the Congregational Chapel and the Catholic Apostolic Church and terminating at the junction of Well Street and Mare Street including a widening of Well Street on the northern side extending from Mare Street to Weston Place :

- (vi) A widening of Mare Street on the western side opposite the junction therewith of Well Street commencing at the northernmost corner of the "Dolphin" public-house and terminating at a point 1 chain or thereabouts northward of the said corner :
- (vii) A widening of Mare Street on the eastern side commencing at a point in Well Street about half a chain to the eastward of coach yard and terminating near the junction of Tudor Road with Mare Street including a widening of Tudor Road on the north side thereof between Mare Street and a point about 2 chains east of Mare Street :
- (viii) A widening of Mare Street on the eastern side commencing near the junction therewith of Tudor Road and terminating at a point 1 chain or thereabouts northward of the junction therewith of King Edward Road :

The said works will be situate in the parish of Saint John Hackney.

(3) *Goswell Road Widening.*

A widening of Goswell Road in the parish of Saint James and Saint John Clerkenwell on the western side of the said road commencing at the junction of Upper Ashby Street with the Goswell Road and terminating at the junction therewith of Great Sutton Street.

(4) *Saint John Street (Clerkenwell) Widening.*

A widening of Saint John Street on the western side thereof in the parish of Saint James and Saint John Clerkenwell commencing at the junction therewith of Aylesbury Street and terminating at the junction therewith of Albemarle Street.

(5) *Blackstock Road (Islington) Widening.*

A widening of Blackstock Road on the south-western side thereof in the parish of Saint Mary Islington commencing $4\frac{1}{2}$ chains to the southward of Ambler Road and extending therefrom southward for a distance of 3 chains or thereabouts.

(6) *Archway Road (Islington) Widening.*

A widening of Archway Road in the parish of Saint Mary Islington on the eastern or north-eastern side thereof commencing at a point in the Archway Road 2 chains or thereabouts northward of the junction therewith of Whitehall Park and terminating at a point $7\frac{1}{2}$ chains northward of the said junction.

(7) *Kentish Town Road Widening.*

A widening of Kentish Town Road in the parish of Saint Pancras on the eastern side thereof commencing at the junction therewith of Patshull Road and terminating at a point 2 chains or thereabouts northward of the junction therewith of Gaisford Street.

(8) *Nine Elms Lane Widening.*

A widening of Nine Elms Lane (partly in the parish of Saint Mary Battersea and partly in the parish of Lambeth) partly on the north and partly on the south side of the said Nine Elms Lane commencing at the junction of Nine Elms Lane with Battersea Park Road in the parish of Saint Mary Battersea and terminating at the junction of Nine Elms Lane with Wandsworth Road in the parish of Lambeth.

[See also 4 *Edw. 7, c. cxxxix. s. 58.*]

(9) *Widenings at Battersea Rise.*

A widening and improvement of the road known as Battersea Rise in the parish of Saint Mary Battersea—

(a) On the north side—

Between a point $\frac{1}{2}$ a chain or thereabouts westward of the junction therewith of Webb's Road and Saint John's Road :

(b) On the south side—

Between a point $1\frac{1}{2}$ chains or thereabouts westward of Almeric Road and a point 1 chain or thereabouts eastward of Saint John's Road ;

Between Saint John's Road and Middleton Road.

(10) *Widenings at Blackheath Road Blackheath Hill and New Road.*

A widening and improvement of the following streets between the points herein-after mentioned—

Blackheath Road in the parish of Greenwich on the south side between Ditch Alley and a point $2\frac{1}{2}$ chains or thereabouts west of the junction of Blackheath Road with Lewisham Road ;

Blackheath Hill in the parish of Greenwich on the north side between a point opposite the junction therewith of Merton Place and Maidenstone Hill :

New Road in the parish of Woolwich—

On the east side between points respectively 1 chain and 4 chains or thereabouts southward of the bridge carrying the said road over the South Eastern Railway ;

On the west side at the premises of the Royal Engineers barracks and the Post Office adjoining the same between a point opposite Anglesea Road and the junction of Thomas Street and New Road aforesaid including a widening of Thomas Street between the eastern corner of the Post Office building and New Road.

[Part omitted (the "Thames Embankment Extension" works not to be carried out unless the Council of the City of Westminster agree to contribute £100,000 towards such works). The City Council agreed to so contribute. See Council's Minutes 29th January 1901, p. 83.]

5. Subject to the provisions of this Act in the lines or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the Council may execute the following works in the parish of Putney in the county of London viz. :—

Widening
of High
Street and
Gardener's
Lane
Putney.

- (a) A widening of High Street on the western side thereof such widening to commence at the junction of Gardener's Lane therewith and to terminate at a point in High Street about 3 chains northward of the said junction :
- (b) A widening of Gardener's Lane partly on the north and partly on the south side thereof such widening to commence at High Street and terminate at a point about $5\frac{1}{2}$ chains north-west of High Street.

6. [Power to the Council to take the lands shown on the deposited plans. Spent.]

7.—(1) In constructing the embankment wall and embankment herein-before described the Council may with the previous consent in writing of the First Commissioner of Works construct such steps piers landing-stages and other works in connexion with the said embankment as they may deem necessary or convenient.

Various provisions as to embankment works etc.

(2) The Council may for the purposes of the said embankment and embankment wall take and use so much of the foreshore of the River Thames as is within the limits of deviation shown on the deposited plans and which may be required for such purposes and they may also for purposes of making temporary works and conveniences in connexion with the said embankment and embankment wall occupy and use temporarily so much of the bed or foreshore of the River Thames within the limits of deviation shown on the deposited plans as may be required for those purposes or any of them.

(3) Subject to the provisions of this Act for the purposes of constructing the said embankment wall and embankment the Council and for the purposes of maintaining renewing and repairing the same the Commissioners of Works may alter or interfere with the banks bed or foreshore of the River Thames at or near the said embankment wall and may place temporarily coffer dams and piles and may erect such temporary staging and other works in upon or over the river or the bed or foreshore thereof as may be necessary or convenient for any of the purposes aforesaid.

8. [Recital that certain of the works authorised (herein-after called "the Westminster Improvement") will involve the occupation of lands vested in Her Majesty or in the Commissioners of Works, and that a plan has been prepared (in this section referred to as "the signed plan") signed by Lord Brougham and Vaux, a copy of which has been deposited in the office of the Clerk of the Parliaments.]

- (1) The lands lying to the eastward of the new street described in this Act as consisting in part of widenings of Abingdon Street and Millbank Street which is in this section called "the new street" and between the said street and the new embankment wall shall be laid out and maintained in manner herein-after provided for use as a garden open to the public and as an integral part of the existing Victoria Tower Garden subject to such byelaws and regulations as the Commissioners of Works may determine :
- (2) The Council shall construct the new embankment wall to the satisfaction of and in accordance with plans approved by the First Commissioner of Works :
- (3) The Council shall to the satisfaction of the First Commissioner of Works clear and make up to a level suitable

For protection of the Commissioners of Works.

to the laying out of the garden the surface of the land between the new street and the new embankment wall to be laid out as a garden (which land is hereafter referred to as "the new garden land") and in default of their doing so the Commissioners of Works may do all work necessary for that purpose and all costs incurred by the Commissioners in relation thereto shall be repaid to the Commissioners by the Council. But nothing in this section shall authorise the Council to remove any trees now standing within the garden :

- (4) The Council shall do all things necessary to vest the new garden land in the Commissioners :
- (5) As soon as that land is so vested in the Commissioners of Works the Commissioners shall remove the existing railings and kerb on the west side of Victoria Tower Garden southward of a point thirty yards southward of the centre of the existing entrance to the Victoria Tower Garden opposite Great College Street and shall erect along the eastern side of the new street southward of the said point from which the existing railings and kerb are to be removed a kerb and railings of a suitable pattern and for that purpose may if they think fit use the existing kerb and railings :
- (6) The Commissioners of Works shall lay out as a garden the new garden land so vested in them and may also make such alterations in the paths bedding and turfing of the existing Victoria Tower Garden (in so far as any portion of it is not thrown into the new street) as they may think necessary to secure uniformity of design in the Victoria Tower Garden as extended under the provisions of this section :
- (7) The Council shall pay to the Commissioners of Works the cost of the works to be executed by the Commissioners in respect of the removal and erection of railings and kerb and of altering and laying out the garden as before in this section mentioned. Provided that the sum so payable shall not exceed five thousand pounds :
- (8) The Commissioners shall maintain the garden so laid out and the embankment wall and kerb and railings enclosing it :
- (9) The Council shall purchase the house and premises numbered 297 on the deposited plan :
- (10) There shall be thrown into and form part of the new street—
 - (a) So much of the land forming part of the Victoria Tower Garden as lies to the westward of the line marked A B on the signed plan and is coloured brown thereon ;
 - (b) So much of the piece of land now occupied as a storeyard and numbered 329 on the deposited plan and coloured brown on the signed plan as is situate to the westward of the line marked B C on the signed plan ;
 - (c) So much of the properties numbered 296 297 298 299 and 300 on the deposited plan as lies to the eastward of the curved line marked D E on the signed plan and as is coloured red on the signed plan :
- (11) The Commissioners of Works shall give vacant possession of the part of the said properties numbered 296 298 299 and 300 on the deposited plan which is to be thrown into

the new street but shall not be required to do so before the expiration of six months after notice in writing has been served on the Commissioners by the Council that the other parts of the Westminster Improvement have been completed :

Provided that nothing in this Act shall prejudice or affect any right title or interest of Her Majesty or the Commissioners in to or over so much of the said properties numbered 296 298 299 and 300 on the deposited plan as is situate to the westward of the curved line marked D E on the signed plan :

- (12) The Council shall convey to the Commissioners of Works the fee simple in possession of so much of the property numbered 297 on the deposited plan as lies to the westward of the curved line marked D E on the signed plan but the Council shall not be required to complete such conveyance earlier than the date upon which the Commissioners of Works are to give vacant possession of so much of the properties numbered 296 298 299 and 300 as are situate to the eastward of the said line marked D E :

The sum receivable by the Council in consideration of the said conveyance including all costs and charges thereof shall not exceed ten thousand pounds :

- (13) Before the Council enter upon the said piece of land used as a storeyard for the purpose of clearing the new garden land or of making the new street they shall provide to the satisfaction of the First Commissioner of Works a substituted piece of land to be used for the purposes for which the said storeyard is at present used :
- (14) As soon as the new street has been paved and lighted to the satisfaction of the First Commissioner of Works all the powers duties and authorities vested in and exercisable by the Commissioners of Works in respect of Abingdon Street under and by virtue of the Crown Estate Paving Act 1851 shall be or continue to be vested in and exercisable by the Commissioners in respect of the new street from the commencement thereof at Old Palace Yard as shown on the signed plan to the line marked F G on the signed plan :
- (15) The Council shall not under the powers of this Act alter the level of any streets or places which are under the charge management or control of the Commissioners of Works without having previously obtained the consent in writing of the First Commissioner to such alteration and the Council shall bear the expense of adapting or adjusting the said streets or places to the requirements of the improvements :
- (16) No building fronting the new street at the junction therewith of Great College Street shall be so erected that the main front wall at the north-east corner thereof shall be placed nearer than 80 feet to the line of the existing railings on the west side of the Victoria Tower Garden :
- (17) Subject to the provisions of any future Act of Parliament with reference to the reconstruction of Lambeth Bridge and the approaches thereto the frontage of the buildings at the termination of the new street on the western side shall not project in front of the line marked H I on the signed plan :

- (18) No new or additional building (including any addition to the height of a building) shall be erected on the west side of the new street other than buildings on the property of Her Majesty or the Commissioners of Works until the elevations and exterior design of such buildings have been approved by the Council and as regards buildings lying to the north of the line marked F G on the signed plan also by the First Commissioner of Works :
- (19) The Council shall at their cost if required in writing by the First Commissioner of Works construct vaults to the satisfaction of the First Commissioner under the footway on the west side of the new street so far as the said properties numbered 296 to 300 will abut on the new street :
- (20) No subway shall be constructed under the powers of this Act within a distance of one hundred feet from the Victoria Tower :
- (21) Nothing contained in this Act shall authorise the Council without the consent of the First Commissioner to obstruct or interfere with the free access to the Houses of Parliament during such time as the Houses of Parliament or either of them shall be in session :
- (22) The Council shall not under the powers of this Act interrupt the supply of electric current to the Houses of Parliament.

9. [*For the protection of the Conservators of the River Thames.*]

10—11. [*Provisions requiring the Council to reinstate the London Hydraulic Power Company and the Westminster Electric Supply Corporation, Ltd.*]

12. [*For the protection of the North London Railway Company—viz. provisions that the Council shall take a certain part only of the lands numbered 1 on the deposited plans in the parish of St. John, Hackney, and as to the reconstruction of the buildings on such lands if any part of such buildings are taken, and providing that nothing in this Act shall authorise the Council to injure or interfere with the bridge carrying the North London Railway over Mare Street, Hackney.*]

13—16. [*For the protection of the Cannon Brewery Company, Ltd., Sutton's Hospital in Charterhouse, the Marquess of Northampton, and the Improved Industrial Dwellings Company, Ltd.*]

17. For the protection of the Dean and Chapter of the Cathedral Church of Christ in Oxford of the Foundation of King Henry the Eighth their successors and assigns owners for the time being (herein-after referred to as "the owners") of the Christ Church Estate in Kentish Town Road (Wolsey Terrace) their lessees and tenants the following provisions shall apply :—

Nothing in this Act shall authorise the Council to require the removal or closing of any pavement lights gratings or cellar flaps used at the time of the passing of this Act for lighting ventilating or otherwise for the accommodation of the basement and cellars belonging to the premises forming part of the Christ Church Estate in Kentish Town Road (Wolsey Terrace) the forecourts of which are delineated on the deposited plans and may be required for the purposes of this Act and in the event of such forecourts being acquired and thrown into the public pavement the owners shall be entitled

to retain the pavement lights gratings and cellar flaps therein together with the cellars thereunder in the same way as if this Act had not been passed. Provided that the Council may make such alterations of the position and level thereof as may be necessary. [See also 2 Edw. 7, c. clxxiii. s. 8.]

18. For the protection of the London and South Western Railway Company (in this section referred to as "the South Western Company") the following provisions shall unless otherwise agreed between the Council and the South Western Railway Company apply and have effect:

For protection of London and South Western Railway Company.

(6) Nothing contained in this Act shall in any way prejudice or abridge the rights now enjoyed by the South Western Company with reference to the rails crossing Nine Elms Lane on the level and the passage of vehicles thereover.

[Parts omitted (provisions relating to the construction of works) spent.]

19. [Saving the rights of the Secretary of State for the War Department.]

20—28. [As to the acquisition of easements—Errors and omissions in plans—Power to the Council to enter and survey property to be taken—Costs of arbitration—As to compensation in the case of recently altered buildings—Power to the Council to take parts only of certain properties, to stop up ways temporarily, to raise or lower streets, and to deviate.]

29. [Power to the Council to make subsidiary works and to stop up streets and appropriate the sites thereof, to alter and interfere with drains and sewers on providing proper substitutes—Vesting the soil of streets so stopped up and of altered drains and sewers in the Council—Substituted sewers and drains to be under the same management as existing sewers and drains.]

30—33. [Provisions as to compensation in the case of insanitary property, as to the alteration of water, gas, and other pipes, for the protection of gas and water companies, and as to the laying out of carriageways.]

34. [As to the laying of pavements—Vesting the repair thereof in the authority in whom the repair of the street is vested, or in other parties liable to repair the same.]

35. [Power to the Council to fill up sewers and drains—Substituted sewers and drains to be provided, and when made to be under the same management as existing sewers and drains.]

36. [Power to the Council to alter steps, areas, pipes, etc.]

37. [Application of the provisions of 56 & 57 Vict. c. cclii. Identical with 62 & 63 Vict. c. cclxvi. s. 28.]

38—39. [Period for the compulsory purchase of lands limited to 3 years. Spent.—Period for the completion of works limited to 7 years.]

40. When and as each of the improvements or any part thereof is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for

Improvements to form public street. Repair etc.

all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the improvement to which it relates as shall have been laid out for carriageway or footway shall form part of the street and may be used by the public accordingly Subject to the provisions of this Act so much of the land acquired by the Council for the widening of any street as is thrown into and used for the carriageway or footway of any street widened under this Act shall on the completion of such widening become vested in the authority in whom the management and control of the existing street is vested and the land acquired by the Council for the new streets shall remain and be vested in the Council and subject to the provisions of this Act the maintenance repair paving cleansing and lighting of each of the improvements shall be under the care management control and jurisdiction of the authority in whom the management and repair of streets is vested in the same manner as other streets in their district :

Provided that any subways constructed by the Council in connection with any such improvements and any sewers already maintained by the Council shall be and continue under the care management control and jurisdiction of the Council.

41. [*Power to the Council to sell materials.*]

42—43. [*Power to the Council to lease surplus lands, and to sell ground rents. Identical with 54 & 55 Vict. c. cevi. ss. 28—29.*]

44. [*Power to the Council to sell lands without leasing. Identical with 57 & 58 Vict. c. clxxxv. s. 30.*]

45. [*Power to the Council to let or exchange lands. Identical with 54 & 55 Vict. c. cevi. s. 31.*]

Council to
dispose of
lands within
a certain
period

46. Any lands acquired by the Council under the powers of this Act except such as are required to form part of any improvement or to be retained for the purposes thereof and except lands on which buildings shall have been erected by the Council in pursuance of the section of this Act* of which the marginal note is "Scheme as to accommodation for persons of labouring class displaced" shall subject to the provisions of any future Act of Parliament be sold or disposed of by the Council within a period of sixty years from the first day of September next after the passing of this Act and section 127 of the Lands Clauses Consolidation Act 1845 shall not apply to any lands acquired by the Council under the powers of this Act.

47—48. [*Receipts of the Council to be effectual discharges—Power to the Council to make agreements with owners of property. Identical with 54 & 55 Vict. c. cevi. ss. 33—34.*]

49. [*As to the rehousing of labouring-class persons displaced.*]

Utilisation
of certain
lands at
Millbank for
rehousing
in connec-
tion with
Westminster
improve-
ments.

50. If the Council with the consent of the Secretary of State for the Home Department utilise any lands forming any part of the site of Millbank Prison (which lands were acquired by the Council under the provisions of Part III. of the Housing of the Working Classes Act 1890) for the purpose of rehousing persons of the labouring class displaced in connexion with the said Thames Embankment extension and improvements at Westminster then such sum as the Council shall determine in respect of the cost of acquiring such lands shall be charged to and deemed to be part of the costs and expenses of the said Thames Embankment extension and improve-

* Section 49.

ments at Westminster and shall be applied towards the cost of the acquisition by the Council of other lands for the purposes of Part III. of the Housing of the Working Classes Act 1890. [*Varied by 3 Edw. 7, c. clxxxvii. s. 66.*]

51. [*As to the removal of human remains. Spent.*]

PART III.—IMPROVEMENT AREA AND CHARGE.

52. [*As to an improvement charge in connection with the Westminster and Putney improvements. These provisions are to the same effect as those contained in s. 36 of 58 & 59 Vict. c. cxxx., and are still in force.*]

PART IV.—CONTRIBUTIONS BY LOCAL AUTHORITIES.

53. [*As to contributions by the Vestry of Hackney* of such sum not exceeding £125,000 as will amount to one-fourth the cost of widening Mare Street, Hackney; by the Vestry of Saint James and Saint John, Clerkenwell, of £15,000; and by the Vestry of Saint Luke, Middlesex,* of £5,000 towards the Goswell Road widening; by the Vestry of Saint Pancras* of such sum as will amount to the cost of the necessary paving works with the exception of the space occupied by the tramway towards the Kentish Town Road widening; by the Battersea Vestry* of £15,000 towards the Nine Elms Lane widening, and £7,500 towards the Battersea Rise widening; and provision that with respect to the widening of High Street and Gardener's Lane, Putney, the Council shall contribute one-half the cost of the High Street widening, and one-fourth the cost of the Gardener's Lane widening, but not exceeding in all £15,000, and that the remainder of such cost shall be paid by the Wandsworth Board of Works.*]*

54—55. [*As to separate accounts and agreements for closing accounts in case of joint works.*]

56. [*Power to the Council of the City of Westminster to contribute towards the Westminster improvements authorised by this Act.*]

PART V.—FINANCIAL.

57. [*Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council (Money) Acts 1901—1905.*]

58. In any case where the Council carry out any improvement of a street in which a tramway is intended to be laid the Council may if they think fit apportion the costs and expenses in such manner as they may think proper between the improvements account and any separate account which they may keep in relation to tramways :

Apportionment of expenses of certain improvements.

[*Part omitted (proviso as to the lease dated 14th October 1897, made between the Council and the North Metropolitan Tramways Company) spent.*†]

59. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (cost of obtaining this Act) spent.*]

As to payments under this Act.

SCHEDULE. [*Description of properties of which the Council may take portions only.*]

* Now the Councils of the Metropolitan Boroughs of Hackney, Finsbury, St. Pancras, Battersea, and Wandsworth respectively.

† This lease was surrendered to the Council on 1st April 1906 (see the North Metropolitan Tramways (Winding-up) Act 1906).

CHAPTER CCLXX.

AN ACT TO ENABLE THE LONDON COUNTY COUNCIL TO CONSTRUCT NEW TRAMWAYS AND TO RECONSTRUCT AND ALTER CERTAIN TRAMWAYS IN THE COUNTY OF LONDON AND TO WORK CERTAIN TRAMWAYS BY ELECTRIC TRACTION AND FOR OTHER PURPOSES.
[6th August 1900.]

[*Preamble.*]

Short title. 1. This Act may be cited as the London County Tramways Act 1900.

Incorporation of Acts. 2. The following Acts and parts of Acts (that is to say):—
The Lands Clauses Acts except the provisions of section 133 of the Lands Clauses Consolidation Act 1845 and the provisions of that Act relating to superfluous lands; and
Section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870
as far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

Interpretation. 3. In this Act unless the subject or context otherwise require—
Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings;
“The Council” means the London County Council;
“The new tramways” means the tramways by this Act authorised and any part thereof;
“The reconstructed tramways” means the tramways which may be altered reconstructed or widened under this Act.

Power to make new tramways. 4. Subject to the provisions of this Act the Council may make form lay down and maintain within the county of London the new tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections with all such rails plates sleepers junctions turntables turnovers crossings passing places works and conveniences connected therewith as may be necessary or proper therefor.

The tramways herein-before referred to and authorised by this Act will be of the gauge of four feet eight and a half inches but carriages or trucks adapted for use upon railways shall not be run upon such tramways.

Tramway No. 1 (2 furlongs 7.60 chains in length of which 9.10 chains will be double line and 1 furlong 8.5 chains will be single line) commencing in the parish of Saint John Hampstead in the county of London by a junction with the existing tramway in South End Road and terminating in the said parish of Saint John Hampstead by a junction with the existing tramway in Southampton Road at the junction therewith of Fleet Road;

Tramway No. 9 (double line 5 furlongs 5.50 chains in length) commencing in the parish of Saint Andrew Holborn in the county of London by a junction with the existing tramway in Clerkenwell Road 1 chain or thereabouts eastward of the intersection of that road and Gray's Inn Road and terminating

in the parish of Saint James and Saint John Clerkenwell by a junction with Tramway No. 10 in Saint John Street Road at a point 1 chain or thereabouts northward of the junction of Rosebery Avenue with Saint John Street Road ;

Provided that the Council shall not lay down any part of the said tramways so that for a distance of 30 feet or upwards a less space than 9 feet 6 inches will intervene between the outside of the footpath on either side of the street and the nearest rail of the tramway except in the case of the following tramways and at the places herein-after described (that is to say) :—

TRAMWAY No. 1.

Constantine Road on both sides—

From the western end of that road to a point 2 chains east of the western end of that road :

Constantine Road and Agincourt Road on both sides—

From a point $1\frac{1}{2}$ chains west to a point $1\frac{1}{2}$ chains east of the junction of the said two roads :

Agincourt Road on both sides—

From a point $2\frac{1}{2}$ chains west to a point 5 chains east of the junction of Cressy Road with that road ;

From the junction of Agincourt Road with Fleet Road to a point 2 chains or thereabouts northward from the said junction.

TRAMWAY No. 9.

Rosebery Avenue on the west side—

Between points respectively 2 chains and $3\frac{1}{2}$ chains north of Gray's Inn Road.

[Parts omitted (as to Tramways No. 2, No. 2A, No. 3, No. 6, No. 8, No. 8A, No. 10, No. 11, No. 12) lapsed.]

5. The Council shall work Tramway No. 1 by this Act authorised in Constantine Road and Agincourt Road for traffic in one direction only the existing tramway in Fleet Road being used for traffic in the other direction but this provision shall not apply during any time when either of the said tramways shall be temporarily stopped or impeded for the purpose of repairs of such tramways or in consequence of other works in the streets in which they are laid.

Method of working Tramway No. 1.

6. [For the protection of the School Board for London. Spent.]

7. [As to the construction of Tramway No. 9 in Rosebery Avenue. Spent.]

8—9. [As to the construction of the tramway in East India Dock Road and of a portion of Tramway No. 10. Lapsed.]

10. The Council may alter reconstruct or widen (in which expression is included the substitution of a double line of tramway for an existing single line) in the lines and according to the levels shown on the deposited plans and sections the tramways herein-after described and may adapt the same or any of them for working by electrical traction (that is to say) :—

Alteration reconstruction and widenings of tramways.

Goswell Road Line—

- (1) The existing tramway in Goswell Road in the parish of Saint Luke and the said parish of Saint James and Saint John Clerkenwell between Percival Street and Clerkenwell Road :

Old Street Line—

- (2) The existing tramway in Old Street in the said parish of Saint Luke between Goswell Road and Domingo Street :

Mare Street Line—

- (3) The existing tramway in Mare Street Hackney in the said parish of Saint John Hackney between Graham Road and a point opposite the Baptist Chapel adjoining Helmsley Street :

Kentish Town Road Line—

- (4) The existing tramway in Kentish Town Road in the said parish of Saint Pancras between Patshull Road and a point 1 chain to the north of Gaisford Street :

Nine Elms Lane Line—

- (5) The existing tramway of the South London Tramways Company* in Nine Elms Lane commencing in the parish of Saint Mary Battersea at the eastern end of Battersea Park Road and terminating in the parish of Lambeth at the eastern end of Nine Elms Lane :

[Part omitted (provisions relating to works to be executed by agreement with the South London Tramways Company) spent.]

Westminster and Tooting Line—

- (6) The portion of the tramway belonging to the Council from the terminus in the Westminster Bridge Road at the eastern end of the bridge in the parish of Lambeth to the terminus at Upper Tooting Road in the parish of Streatham :

Blackfriars and Kennington Park Line—

- (7) The portion of tramway belonging to the Council commencing at the terminus in the parish of Christ Church Southwark in the Blackfriars Road at the southern side of Blackfriars Bridge and terminating in the parish of Lambeth at the junction of Kennington Park Road with Kennington Road (except the portion of that tramway consisting of one chain shown on the deposited plans at the commencement of the tramway in Blackfriars Road) :

Provided that no portion of tramway to be reconstructed shall under the powers of this Act be so laid that for a distance of 30 feet or upwards a less space than 9 feet 6 inches shall intervene between the outside of the footpath on either side of the street and the nearest rail of the tramway except where a portion of tramway to be reconstructed is already so laid :

Provided also that where any portion of existing tramway to be reconstructed is now so laid that a less space than 9 feet 6 inches intervenes between the outside of the footpath on either side of the street and the nearest rail of such tramway no part of the rail of the reconstructed portion of tramway shall be laid nearer to the outside of the footpath than the rail of the existing portion of tramway :

* The tramways of this Company were acquired by the Council in 1902.

And provided also that the alterations reconstructions and widenings of the tramways described in this section under the numbers (1) to (5) shall not be executed in those portions of the streets which are indicated on the deposited plans as to be widened until such widenings have been carried out.

11. [*Period for the completion of new tramways limited to 5 years. Spent.*]

12. [*Period for the reconstruction of Westminster and Tooting line limited to 2 years. Spent.*]

13. No part of the new tramways shall be opened for public traffic until the same have been inspected by an officer of the Board of Trade and certified under the hand of a secretary or an assistant secretary of the said board to be fit for such traffic.

Tramways not to be opened until certified by Board of Trade.

14. The rails of the new and reconstructed tramways shall be such as the Board of Trade approve and the Board of Trade may from time to time require the Council to adopt and apply such improvements in the said tramways including the rails and substructure and formation thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Council shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying into effect any such improvements.

As to rails of tramways

15. If any road authority hereafter alter the level of any road along or across which any part of the tramways is laid or authorised to be laid the Council shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Rails to be maintained on level of roadway.

16. Every road authority shall at all times have free access to and communication with their sewers and drains and power to lay lateral and private drains to communicate therewith subject to and in accordance with the provisions contained in sections 32 and 33 of the Tramways Act 1870 * which shall be applicable in the case of any sewer or private drain of or under the control of the road authority as if the same were a main or pipe within the meaning of the proviso to paragraph 5 of the said section 32.

Saving rights of access to sewers.

17.—(1) The Council shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways by this Act authorised and the substructure upon which the same rest and if the Council at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 * they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

Penalty for not maintaining rails and roads in good condition and inspection of tramways.

(2) In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the council have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 * the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation

* See Appendix.

has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Council to the penalty or penalties in respect thereof which is or are by this section imposed.

Power to
make
additional
crossings etc.

18. The Council may subject to the provisions of this Act with the consent of the road authority make maintain alter and remove such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of their tramways or for providing access to any depôts stables or works of the Council. Provided that in the construction of any such works no rail shall be so laid that a less space than 9 feet 6 inches shall intervene between it and the outside of the footpath on either side of the road if one third of the owners or one third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Council within three weeks after receiving from the Council notice in writing of their intention express their objection thereto. [See also 1 *Edw. 7, c. cclxxi. s. 12.*]

19. [*Power to the Council to reduce the width of footways in certain cases, provided that such width is not made less than 6 feet.*]

Use of
tramways
by road
authorities
for certain
local
purposes.

20. Subject to the provisions of this Act and of any regulations made under this Act by the Board of Trade and of any byelaws for the time being in force with respect to the tramways any road authority may with the consent in writing of the Council for that purpose first obtained (which consent shall not be unreasonably withheld) between the hours of one and five in the morning but so as not to unduly impede obstruct or interfere with the ordinary traffic on the tramways use the tramways within their district by vehicles moved by horses or otherwise for the removal of dust refuse and other similar things for the conveyance of road materials and for other purposes connected with local administration free from all tolls and charges in respect of such use. Provided that no engine truck or other vehicle used for the purposes aforesaid shall exceed when loaded the weight of seven tons :

Any road authority having power to lay down any tramway rails between any yards or works belonging to such authority and the tramways shall be permitted to make a junction between any rails so laid down by them and the rails of the tramways :

Provided that in the construction of any such junction no damage shall be done to the tramways and the road authority shall have first submitted to the Council plans showing the proposed works and junction and the mode of constructing the same and if any question arises as to such plans or the mode of constructing such works that question shall be determined by arbitration :

Provided that such authority shall not save by agreement with the Council be entitled to use or employ any carriage truck horses electric current or other motive power or officers and servants of the Council :

Provided also that such authority shall indemnify the Council against any damage done to the permanent way by such use.

21—22. [*As to the alteration of position of water, gas, and other pipes—For the protection of gas or water companies. Identical with 63 & 64 Vict. c. cccxxviii. ss. 15—16.*]

23. [*For the protection of Great Eastern Railway Company in connection with Tramway No. 8. Lapsed.*]

24. Nothing in this Act or shown on the deposited plans shall authorise the Council to alter or interfere with the structure of the bridge carrying the North London Railway over Mare Street Hackney.

For protection of North London Railway Company.

25. For the protection of the London and South Western Railway Company (in this section called "the Company") the following provisions shall apply and have effect (that is to say):—

For protection of London and South Western Railway Company.

(1) The Council shall not in any way alter or interfere with the structure of the bridge carrying the railway of the Company over Westminster Bridge Road or the works in connexion therewith including the telegraphic and telephonic wires and signal apparatus of the Company nor affix any bracket or wire upon such bridge or other work without the consent in writing of the Company under their common seal :

(2) The Council in reconstructing and using the tramways passing along Nine Elms Lane shall not except so far as shall be reasonably necessary for the purposes of the tramways by this Act authorised in any way interrupt or impede the user by the Company of the rails of the Company crossing the said lane on the level and nothing contained in this Act shall in any way prejudice or abridge the rights now enjoyed by the Company with reference to the rails crossing Nine Elms Lane on the level and the passage of engines and vehicles thereover :

(3) If by reason of the reconstruction of the tramways in Nine Elms Lane it shall be necessary in any way to alter the position of or otherwise interfere with the hydraulic or other pipes belonging to the Company passing under that lane the Council shall before commencing such reconstruction give fourteen days previous notice in writing to the Company of their intention to commence the same and all supports alterations and apparatus together with all such other protective works as the engineer of the Company may consider necessary to maintain the services now rendered by the said pipes without interruption shall be carried out to the reasonable satisfaction of the engineer of the Company :

(4) The Council shall make good all damage done to the said hydraulic or other pipes by the disturbance thereof and shall compensate the Company for any loss or damage which they may sustain by reason of such interference as aforesaid :

(5) Any difference which may arise between the Council and the Company under this section shall be settled by arbitration in manner provided by the Tramways Act 1870.*

26. [*Power to the Council to take lands. Spent.*]

27. [*Period for the compulsory purchase of lands limited to 3 years. Spent.*]

28. [*Power to the Council to construct a generating station on the lands described in the First Schedule. Lapsed.*]

* See Appendix.

Sub-stations.

29. The Council may upon any of the lands described in the Second Schedule to this Act erect maintain and use sub-stations with all necessary and convenient appliances plant and apparatus for using or distributing electricity for use upon their tramways or any part or parts thereof and they may subject to the provisions of this Act purchase and take any of the said lands or any estates and interests therein not already belonging to the Council. [*See also 59 & 60 Vict. c. li. s. 3.*]

30. [*Power to the Council to lay electric cables, wires, and lines in connection with the proposed generating station. Lapsed.*]

31. [*Power to the Council to make a siding to the generating station by agreement with the London, Chatham & Dover Railway Company. Lapsed.*]

32—35. [*Errors and omissions in plans—Power to the Council to enter and survey lands to be taken—As to Arbitration—As to the rehousing of labouring-class persons displaced.*]

Provisions as to motive power.

36. The carriages used on the new and reconstructed tramways may be moved by animal power and in addition the carriages used on the new tramways (if and when the tramways with which they are connected are worked by electrical power) and on the reconstructed tramways (when the reconstruction and adaptation thereof is completed in accordance with this Act) may subject to the provisions of this Act and of the London County Tramways (Electrical Power) Act 1900 be moved by electrical power.

Applying certain provisions of London County Tramways (Electrical Power) Act 1900.

37. The provisions of the London County Tramways (Electrical Power) Act 1900 with respect to the working by electrical power of the tramways defined by that Act shall extend and apply to the new tramways and reconstructed tramways as defined by this Act and the sections of the London County Tramways (Electrical Power) Act 1900 with reference to the tramways in that Act mentioned of which the marginal notes are as follows viz. :—

Further provisions as to paving materials of roads ;

Application of materials excavated in construction of works ;

Alterations in streets &c. ;

Drainage and cleaning of rails and conduit ;

Reference of certain questions to arbitration ;

For protection of Postmaster-General ;

Overhead system not to be applied without consent of road authority ;

shall extend and apply to the new tramways and the reconstructed tramways as defined by this Act.

38. [*Saving the rights of the Duchy of Cornwall.*]

Extension of powers of breaking up tramways by vestries or district boards for purpose of laying electric lines.

39. Where a vestry* or district board of works* have powers under a special Act or Provisional Order confirmed by Act of Parliament for the purpose of laying electric lines to break up a tramway which is to be widened under the powers of this Act the said powers of such vestry or district board of works shall extend and apply to the widened tramway in the same manner as to the existing tramway.

Byelaws.

40. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which electrical power may be used for all or any of the following purposes (that is to say) :—

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages ;

* Now a Council of a Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety ;

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers ;

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere :

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings :

Provided that such byelaws shall be submitted to the road authority before being made by the Board of Trade and that the road authority shall have an opportunity of being heard thereon.

41. The Council may place and run carriages on and may work and may demand and take tolls and charges in respect of the new and reconstructed tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses cables and plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the tramways. [See 59 & 60 *Vict. c. li. s. 3.*]

Power to Council to work tramways.

42. The regulations authorised by the Tramways Act 1870* to be made by the promoters of any tramway and their lessees may with respect to the tramways of the Council be made by the Council alone.

Regulations.

43. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any of the new or reconstructed tramways anything which is calculated to obstruct or interfere with the working of the said tramways or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870* with respect to the said tramways shall be liable to a penalty not exceeding twenty pounds. [See also the *Malicious Damage Act 1861, ss. 51 and 52.*]

Provision against interference with tramways.

44. For the purposes of tolls and charges the new tramways shall be deemed to form part of the tramways leased by the Council to the North Metropolitan Tramways Company† and for the purposes aforesaid the widened tramway in Nine Elms Lane herein-before described shall be deemed to be part of the tramway of the South London Tramways Company.‡

Tolls etc.

45. [As to saving for the lease, dated 14th October 1897, granted by the Council to the North Metropolitan Tramways Company.† Spent.]

46. [Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council (Money) Acts 1901—1905.]

* See Appendix.

† The Council purchased the unexpired portion of this lease as from the 1st April 1906. See the North Metropolitan Tramways (Winding Up) Act 1906.

‡ The tramways of this Company were purchased by the Council in 1902.

Annual
receipts and
expenditure.

47. If and so far as the revenue of the Council arising from their tramways shall be insufficient to cover the expenses of maintenance and management and of providing for the requisite payments to the Consolidated Loans Fund in respect of money raised or expended for the purposes of tramways authorised by this or any other Act the deficiency shall be from time to time defrayed as payments for special county purposes within the meaning of the Local Government Act 1888 and any balance of tramway revenue over expenditure shall at such times as the Council direct be carried to a reserve fund or to the special county account of the County Fund. [See 59 & 60 Vict. c. li. s. 10 ; 1 Edw. 7, c. cclxxi. s. 68 ; 2 Edw. 7, cc. ccxviii. s. 36 and ccxix. s. 57 ; 3 Edw. 7, c. ccxix. s. 61.]

Provision as
to General
Tramway
Acts.

48. Nothing in this Act contained shall exempt the Council or their lessees or licencees or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of fares or charges authorised by this Act.

As to
costs and
expenses.

49. All costs and expenses of the Council in the execution of this Act so far as not otherwise provided for shall be defrayed as payments for special county purposes within the meaning of the Local Government Act 1888. . . . [Part omitted (as to expenses of obtaining this Act) spent.]

THE FIRST SCHEDULE. [Description of lands in the parishes of Camberwell and Lambeth to be acquired for a generating station. Lapsed.]

THE SECOND SCHEDULE.

LANDS FOR SUB-STATIONS.

Lands forming the station or depôt belonging or reputed to belong to the Council on the western side of the Brixton Road in the parish of Lambeth being No. 20 in the Brixton Road situate 3 chains or thereabouts southward of the junction of Prima Road and Brixton Road.

Lands forming the station or depôt belonging or reputed to belong to the Council in the Kennington Road situate on the western side of the said road the principal entrance to which depôt is at a distance of 3 chains or thereabouts southward of the junction of Sanicroft Street with Kennington Road in the parish of Lambeth.

Lands forming the station or depôt of the Council situate at Clapham on the south side of High Street Clapham in the parish of Clapham opposite the junction of Wurtemberg Street with High Street Clapham.

Lands forming the station or depôt of the Council at Balham situate at the junction of the Balham High Road and Marius Road and lying between those roads and Upper Tooting Park in the parish of Streatham.

CHAPTER CCLXXII.

AN ACT FOR REGULATING THE CHARGES TO BE MADE BY THE GAS LIGHT AND COKE THE SOUTH METROPOLITAN GAS AND THE COMMERCIAL GAS COMPANIES IN THE ADMINISTRATIVE COUNTY OF LONDON IN RESPECT OF GAS SUPPLIED BY MEANS OF PREPAYMENT METERS. [6th August 1900.]

[Preamble.]

Short title.

1. This Act may be cited for all purposes as the Metropolis Gas (Prepayment Meter) Act 1900.

2. In this Act—Interpreta-
tion.

“The Council” means the London County Council ;

“The Corporation” means the mayor and commonalty and citizens of the city of London ;

The expression “the Companies” means the Gas Light and Coke Company the Commercial Gas Company and the South Metropolitan Gas Company and the expression “the Company” means each of the said Companies ;

The word “fittings” means pipes burners stoves and other fittings used in connexion with the consumption of gas supplied by means of prepayment meters ;

The expression “prepayment meter” means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

3. The Companies respectively shall not charge for any gas supplied through a prepayment meter any greater charge rate or rent than the Companies are respectively entitled by law to charge for gas supplied to private consumers through any other kind of meter or by any other method of supply.

Charges
for gas.

4. The Companies shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of one meter and the fittings used therewith.

Charges for
hire of pre-
payment
meters.

The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection inspection and any other cost incurred by the Company in connexion with the meter and fittings.

5. The rate fixed by the last preceding section shall be open to revision by the Board of Trade in manner following (that is to say) :—

Revision
of rate.

If at any time after the expiration of seven years from the date of this Act or from the date of any inquiry under this section any of the Companies or the Council or the Corporation request the Board of Trade in writing to revise the said rate the Board of Trade shall appoint a competent and impartial arbitrator who shall hold an inquiry and fix a maximum rate to be substituted for the rate aforesaid. Provided that the Board of Trade may at any time if they think fit at such request put into operation the provisions of this section :

At least twenty-eight days before the holding any inquiry under this Act the Board of Trade shall give to each of the Companies to the Council and to the Corporation notice of such inquiry and of the time and place thereof and each of the Companies the Council and the Corporation shall be entitled to attend and to be heard at such inquiry.

6. The Company shall in collecting any money for gas supplied by means of prepayment meters give a receipt for the same in a form which shall show clearly the rate per one thousand cubic feet charged for gas and in addition the rate in respect of meters and fittings charged therewith under this Act.

Form of
receipt.

Maximum
charge for
hire of
meters with-
out fittings.

7. The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter to the Companies respectively and the Companies Acts respectively applicable to ordinary meters shall so far as applicable apply within the Companies respective districts to prepayment meters.

8. [*Expenses of obtaining this Act. Spent.*]

1 EDWARD VII. A.D. 1901.

CHAPTER LXXXVII.

AN ACT TO REGULATE THE EXPENDITURE OF MONEY BY THE LONDON COUNTY COUNCIL ON CAPITAL ACCOUNT DURING THE CURRENT FINANCIAL PERIOD AND THE RAISING OF MONEY TO MEET SUCH EXPENDITURE. [26th July 1901.]

[*Preamble.*]

Short title.

1. This Act may be cited for all purposes as the London County Council (Money) Act 1901 and the London County Council (Money) Acts 1875 to 1900 and this Act may be cited together as the London County Council (Money) Acts 1875 to 1901.

Construction
of Act.

2. This Act shall subject to the provisions thereof be read and have effect as one with the Metropolitan Board of Works (Loans) Acts 1869 to 1871 and the London County Council (Money) Acts 1875 to 1900 :

But all consolidated stock created by the Council shall be charged upon the county rate in substitution for the consolidated rate.

Interpreta-
tion.

3. In and for the purposes of this Act—

The expression “the Council” shall mean the London County Council ;

The expression “metropolitan borough council” shall mean the council for a metropolitan borough constituted under the London Government Act 1899 and includes the Council for the city of Westminster ;

The expression “the financial year” shall mean the period from the first day of April one thousand nine hundred and one to the thirty-first day of March one thousand nine hundred and two both dates inclusive ;

The expression “the following six months” shall mean the period from the first day of April one thousand nine hundred and two to the thirtieth day of September one thousand nine hundred and two both dates inclusive ;

The expression “the financial period” shall mean the financial year and the following six months.

[*Part omitted (definition of “Main Drainage Acts”) spent.*]

4—5. [*Power to the Council during the financial period to expend money for sundry purposes. Spent.*]

Power to
lend to
metropolitan
borough
councils cor-

6.

(iii.) Money borrowed from and lent by the Council under this section shall be repaid to the Council with interest within such time after the borrowing as the borrowers with the consent of the Local

Government Board or the Treasury as the case may be where such consent is necessary to the borrowing and the Council with the approval of the Treasury shall agree. Provided that the time after the borrowing within which such money shall be repaid to the Council shall not exceed in the case of loans to the managers of district schools and asylums sixty years and in all other cases the following periods viz. in the case of a loan for the purpose of improvements in relation to streets or bridges or for the purpose of purchase of land in fee simple or for the purposes of the Housing of the Working Classes Act 1890 sixty years for electric lighting purposes fifty years and for any other purpose thirty years.

[Part omitted (power to the Council during the financial period to lend to metropolitan borough councils and other public bodies in London) spent.]

7. [Power to the Council during the financial period to lend to boards of guardians in London. Spent.—Provision as to repayment. Identical with such provision in 61 & 62 Vict. c. cxxii. s. 7.]

8. [Power to the Council during the financial period to lend to the Managers of the Metropolitan Asylum District. Spent.]

9. [Power to the Council during the financial period to lend to the School Board for London. Spent.—Provision as to repayment. Superseded by 2 Edw. 7, c. 42, s. 5, and 2nd Sch., and 3 Edw. 7, c. 24. See also the Public Works Loans Act 1905, s. 3 (see Appendix).]

10. [Protection of the Council in case of certain loans. Identical with 54 & 55 Vict. c. 62, s. 13.]

11. Money lent by the Council under the powers of this Act during the six months ending the thirtieth day of September one thousand nine hundred and two shall be lent on account of the financial year ending the thirty-first day of March one thousand nine hundred and three.

As to money lent by Council in certain cases.

12. [Power to the Council to raise consolidated stock. Identical with 62 & 63 Vict. c. cxxxviii. s. 14.]

13. [Repayment of moneys lent by the Council. Identical with 62 & 63 Vict. c. cxxxviii. s. 15.]

14.

All stock created under the powers of this section shall form part of and rank equally with the consolidated stock created under the powers of the London County Council (Money) Acts 1896 to 1900 and shall also rank equally with all consolidated stock created under the powers of any subsequent Act if the same be thereby declared to rank equally with consolidated stock created under the powers of this section.

New redeemable consolidated stock.

[Part omitted identical with 59 & 60 Vict. c. cxxiv. s. 14 down to the words "sinking fund in respect of such stock."]

15. [As to the employment of money of the Consolidated Loans Fund. Identical with 59 & 60 Vict. c. cxxiv. s. 15.]

16. [As to the investment of money of the Consolidated Loans Fund. Identical with 59 & 60 Vict. c. cxxiv. s. 16.]

17. [Power to the Council after the issue of stock to apply money raised by stock to make up dividends from fixed dates. Spent.]

18. [As to conversion of stock. Identical with 59 & 60 Vict. c. cxxiv. s. 18.]

19. [*The limitation on the borrowing power of the Council contained in s. 38 of 32 & 33 Vict. c. 102 not to extend to money raised under this Act.*]

20. [*Limit to the exercise of borrowing powers by the Council during the financial period. Spent.*]

21. [*Incorporation of ss. 27—43 of 48 & 49 Vict. c. 50. Identical with 59 & 60 Vict. c. cexiv. s. 21.*]

22. [*Repeal of 61 & 62 Vict. c. cexxii. s. 22, and 62 & 63 Vict. c. cxxxviii. s. 24, and provisions in lieu thereof as to the securities upon which the Council may lend temporarily. Rep. and replaced by 5 Edw. 7, c. cxliii. s. 21.*]

23. [*Provisions as to raising money by bills. Spent.*]

24. [*Application of ss. 8—11 of the Forgery Act 1861 to London County Bills. Identical with 61 & 62 Vict. c. cexxii. s. 24.*]

As to pay-
ments under
this Act.

25. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . .
[*Part omitted (expenses of obtaining this Act) spent.*]

SCHEDULE. [*Particulars of purposes for which moneys may be raised under this Act, and of the sums authorised to be raised for such purposes. Spent.*]

CHAPTER CCLXXI.

AN ACT TO ENABLE THE LONDON COUNTY COUNCIL TO CONSTRUCT NEW TRAMWAYS AND TO RECONSTRUCT AND ALTER TRAMWAYS IN THE COUNTY OF LONDON TO WORK TRAMWAYS BY ELECTRIC TRACTION AND TO MAKE STREET IMPROVEMENTS AND FOR OTHER PURPOSES. [17th August 1901.]

[*Preamble.*]

Short title.

1. This Act may be cited as the London County Council (Tramways and Improvements) Act 1901.

Incorporation of Acts.

2. The following Acts and parts of Acts (that is to say):—

The Lands Clauses Act (except the provisions of sections 127 and 133 of the Lands Clauses Consolidation Act 1845); and Section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870;*

as far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

Interpretation.

3. In this Act unless the subject or context otherwise require—

Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings;

“The Council” means the London County Council;

“The council of a metropolitan borough” where referred to in this Act means the council of the metropolitan borough interested or affected as constituted by or under the provisions of the London Government Act 1899;

* See Appendix.

“The new tramways” means the tramways by this Act authorised and any part thereof;

“The reconstructed tramways” means the tramways which may be altered reconstructed or widened under this Act;

“The tramways” means the new tramways and the reconstructed tramways;

“The improvements” means the street improvements by this Act authorised;

“Street” has the meaning assigned to that term in the Metropolis Management Acts 1855 to 1893:

Provided that for the purposes of this Act the expressions “the promoters of the undertaking” and “the company” in the Lands Clauses Acts shall be construed to mean the Council.

4. Subject to the provisions of this Act the Council may make form lay down and maintain within the county of London the new tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections with all such rails plates sleepers junctions turntables turnovers crossings passing places works and conveniences connected therewith as may be necessary or proper therefor.

Power to make new tramways.

The new tramways herein-before referred to and authorised by this Act are those shown on the deposited plans under the numbers herein-after stated in connexion therewith respectively and shall be of the gauge of four feet eight and a half inches but carriages or trucks adapted for use upon railways shall not be run upon such tramways.

Tramway No. 1 (double line 3 furlongs 1·70 chains in length) wholly in the parish of Saint Mary Islington commencing in Archway Road and terminating by a junction with the existing tramway in Holloway Road at a point opposite the south-eastern side of Saint John’s Road:

[Part omitted (prociso as to the construction of Tramway No. 1 being subject to a light railway in continuation thereof being authorised in the county of Middlesex) spent. Such a light railway was authorised by the County of Middlesex Light Railways Orders 1901 and 1903.]

Tramway No. 1A (double line 1·3 chains in length) wholly in the said parish commencing in Archway Road by a junction with Tramway No. 1 at a point 3 chains or thereabouts north-westward of the termination thereof and terminating by a junction with the tramway in Junction Road near the termination thereof:

Tramway No. 3 (double line 0·75 chain in length) wholly in the parish of Saint Mary Islington commencing by a junction with the tramway in Balls Pond Road at a point near the intersection of that tramway and the tramway in Mildmay Park and Southgate Road and terminating by a junction with the last-mentioned tramway at a point near the intersection of the said two tramways:

Tramway No. 12 (double line 2 miles 7 furlongs 7·65 chains in length) commencing in the parish of Wandsworth by a junction with the tramway in York Road near North Street and terminating in the parish of Streatham at the termination of the tramway in High Street:

Tramway No. 13 (double line 3 furlongs 0·55 chain in length) wholly in the parish of Tooting Graveney commencing in

Merton Road opposite Longley Road and terminating in High Street Tooting by a junction with Tramway No. 12 near Defoe Road :

Tramway No. 15 (double line 4 furlongs 7·75 chains in length) in the parish of Saint Mary Battersea commencing by a junction with the tramway in Battersea Park Road opposite Albert Bridge Road and terminating at the southern end of Albert Bridge :

Tramway No. 15A (double line 1 chain in length) in the said parish of Saint Mary Battersea commencing by a junction with the tramway in Battersea Park Road opposite Albert Bridge Road and terminating by a junction with Tramway No. 15 near the junction of Albert Bridge Road with Battersea Park Road :

A tramway in the parish of Lambeth being so much of the tramway described on the deposited plans under the No. 16A as is situate to the southward of Westminster Bridge Road (single line 1 furlong 1·15 chains in length) :

Tramway No. 18 (double line 1 furlong 1·55 chains in length) commencing in the parish of Lambeth by a junction with the tramway in the Westminster Bridge Road opposite Saint Thomas' Church and terminating in the parish of Saint George the Martyr Southwark by a junction with the tramway in Saint George's Road near Lambeth Road :

Tramway No. 19 (double line 5·87 chains in length) commencing in the parish of Saint George the Martyr Southwark by a junction with the tramway in Saint George's Road opposite Princess Mews and terminating in the parishes of Saint Mary Newington and Saint George the Martyr or one of them by a junction with the tramway in Newington Butts opposite Saint George's Road :

Tramway No. 19A (double line 1·30 chains in length) commencing in the parishes of Saint George the Martyr Southwark and Saint Mary Newington or one of them by a junction with the tramway at a point in Newington Butts opposite the north-western corner of the public-house known as the Elephant and Castle and terminating in the parish of Saint Mary Newington by a junction with the tramway in Newington Causeway at a point thereon in Newington Causeway opposite the said north-western corner of the said public-house :

Tramway No. 20 (double line 4·2 chains in length) commencing in the parish of Saint Mary Newington by a junction with the tramway in Newington Causeway near Southwark Bridge Road and terminating in the parish of Saint George the Martyr Southwark by a junction with the tramway in Southwark Bridge Road near Dantzic Street :

Tramway No. 21 (double line 1 furlong 2·4 chains in length) commencing in the parish of Saint George the Martyr Southwark by a junction with the tramway in Borough Road under the London Chatham and Dover Railway Bridge and terminating in the parishes of Saint George the Martyr Southwark and Saint Mary Newington or one of them by a junction with the tramway in Borough High Street near Borough Road :

Tramway No. 22 (double line 1 furlong 6·27 chains in length) commencing in the parish of Saint Saviour Southwark by a

junction with the tramway in Southwark Bridge Road near Peter Street and terminating in the parish of Saint Mary Newington by a junction with the tramway at the northern end of Great Dover Street :

Tramway No. 23 (double line 4 furlongs 0.45 chain in length) commencing in the parish of Bermondsey at a point in Bermondsey New Road 4 chains or thereabouts south-westward from the junction of Grange Road with Bermondsey New Road and terminating in the parish of Horsleydown by a junction with the tramway in Tooley Street opposite Church Row :

Provided that the Council may if they think fit lay Tramway No. 23 along the line of the new street authorised by the London County Council (Tower Bridge Southern Approach) Act 1895 as part of and at the time of construction of that street :

Tramway No. 24 (double line 1.9 chains in length) in the parish of Saint George the Martyr Southwark commencing by a junction with the tramway in New Kent Road near the junction of Old Kent Road and Bermondsey New Road and terminating in the Bermondsey New Road by a junction with the termination of the tramway in that road :

Tramway No. 24A (double line 1.25 chains or thereabouts in length) in the parish of Saint George the Martyr Southwark commencing by a junction with the tramway in Old Kent Road near Bermondsey New Road and terminating at the point of termination of Tramway No. 24 :

Tramway No. 25 (single line 1.17 chains in length) in the parish of Camberwell commencing at the termination of the Tramway in Saint James Road and terminating by a junction with the tramway in Old Kent Road near Saint James Road :

Tramway No. 25A (single line 1.08 chains in length) in the parish of Camberwell commencing at the commencement of tramway No. 25 and terminating by a junction with the tramway in Old Kent Road near Saint James Road.

5. The Council may alter reconstruct or widen (in which expression is included the substitution of a double line of tramway for an existing single line) in the lines and according to the levels shown on the deposited plans and sections the tramways herein-after described and may adapt the same or any of them for working by electrical traction (that is to say) :—

Alteration
reconstruction
and
widening of
tramways.

Battersea Park Road line—

The tramway in Battersea Park Road in the parish of Saint Mary Battersea from a point thereon opposite Simpson Street to a point thereon near Bullen Street :

Bermondsey New Road line—

The tramway in Bermondsey New Road in the parish of Saint George the Martyr Southwark from a point thereon near Old Kent Road to a point thereon in the parish of Bermondsey near Webb Street :

Wandsworth Road line—

The tramway in Wandsworth Road in the parish of Lambeth from a point thereon near Clarke's Place to a point thereon near Bond Street :

Albert Embankment line—

The tramway along Albert Embankment in the parish of Lambeth between points respectively 3 chains south and 3 chains north of the junction of Spring Garden Walk with the road known as Albert Embankment :

York Road (Battersea and Wandsworth) line—

The tramway in York Road :—

(a) In the parish of Wandsworth—

From a point thereon under the bridge near Wandsworth Road Station to a point thereon opposite Bramford Road :

(b) In the parish of Saint Mary Battersea—

(i) From a point thereon near Wilson Street to a point thereon near York Place ;

(ii) From a point thereon near Benfield Street to a point thereon at the junction of Verona Street and York Road ;

(iii) Between points respectively 1 chain and 3 chains east of the point lastly herein-before described ;

(iv) Between points respectively $1\frac{1}{2}$ chains west and 4 chains east of Wye Street ;

(v) Between points respectively $6\frac{1}{2}$ chains west and 1 chain east of High Street :

Vauxhall and Camberwell line—

The tramway from Vauxhall to Camberwell commencing in the parish of Lambeth at a point thereon near the South Western Railway Bridge and terminating by a junction with the tramway in Camberwell Green in the parish of Camberwell near the eastern end of Camberwell New Road :

Short Street line—

The tramway from Newington Butts to Walworth Road commencing in the parishes of Saint George the Martyr Southwark and Saint Mary Newington or one of them at a point thereon near the junction of Short Street and Newington Butts and terminating in the parish of Saint Mary Newington by a junction with the tramway in Walworth Road at a point thereon near the junction of Short Street and Walworth Road.

6. [*Provision that no part of the tramways shall be laid so that for a distance of 30 feet or upwards less than 9 feet 6 inches will intervene between the footpath and the nearest rail of the tramway, except in certain places on the routes of Tramway No. 19, and on the York Road (Battersea and Wandsworth) and on the Vauxhall and Camberwell lines.*]

7—11. [*Tramways not to be opened until certified by the Board of Trade—As to rails of tramways—Rails to be maintained on the level of the roadway—Saving rights of access to sewers—As to penalty for not maintaining rails and roads in good condition, and as to inspection of tramways. Identical with 63 & 64 Vict. c. cclxx. ss. 13—17.*]

12.—(1) The Council may subject to the provisions of this Act with the consent of the road authority make maintain alter and remove in connexion with the tramways or tramways which may now or hereafter belong to the Council such crossings passing places sidings junctions and other works in addition to those particularly

specified in and authorised by this Act as they find necessary or convenient for the effectual working of their tramways as one tramway system for the county of London or for providing access to any depôts stables or works of the Council.

(2) The Council may with the consent of the road authority and with the sanction of the Board of Trade lay down double lines in lieu of single or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of their tramways and may with the like consent and sanction alter the position in the road of any of such tramways or any part thereof respectively.

(3) Provided that in the exercise of the powers of this section no rail shall be so laid that a less space than 9 feet 6 inches shall intervene between it and the outside of the footpath on either side of the road if one third of the owners or one third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Council within three weeks after receiving from the Council notice in writing of their intention express their objection thereto. [See 63 & 64 Vict. c. cclxx. s. 18, and 2 Edw. 7, c. cexix. s. 43 (3).]

13. For the purpose of constructing any of the new tramways or reconstructing any tramways under this Act the Council may increase the width of the roadway of the street in which it is to be laid by reducing the width of the footway on each or either side of such street but only with the consent in each case of the authority having the maintenance and repair of the roadway :

Council may reduce width of footway in certain cases.

Provided that no footway be so reduced to a less width than six feet.

14. [As to the use of tramways by road authorities for certain local purposes. Identical with 63 & 64 Vict. c. cclxx. s. 20, omitting the words "(which consent shall not be unreasonably withheld)".]

15. Where the council of a metropolitan borough or any company have powers under a special Act of Parliament or a Provisional Order confirmed by Act of Parliament for the purpose of laying electric lines to break up a tramway which is to be widened under the powers of this Act the said powers of such council or company shall extend and apply to the widened tramway in the same manner as to the existing tramway.

Certain powers of breaking up tramways for laying electric lines extended to widened tramways.

16. The Council of the Metropolitan Borough of Battersea and also any company having power to lay electric lines in any street in which a tramway is to be laid or reconstructed under this Act shall notwithstanding anything contained in any Act or order relating to such borough or company be deemed for the purposes of this Act to be a road authority or company respectively to whom section 32 of the Tramways Act 1870* applies.

Application of section 32 of Tramways Act 1870.

17. The Council may place and run carriages on and may work and may demand and take tolls and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses cables and plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the tramways by animal or electrical power. [See also 59 & 60 Vict. c. cclxxi. s. 17.]

Power to Council to work tramways.

* See Appendix.

Applying certain provisions of London County Tramways (Electrical Power) Act 1900.

18. (1) The carriages used on the new and reconstructed tramways may be moved by animal power and in addition the carriages used on the new tramways (if and when the tramways with which they are connected are worked by electrical power) and on the reconstructed tramways (when the reconstruction and adaptation thereof is completed in accordance with this Act) may subject to the provisions of this Act and of the London County Tramways (Electrical Power) Act 1900 be moved by electrical power.

(2) The provisions of the London County Tramways (Electrical Power) Act 1900 with respect to the use of electrical power and to the working by electrical power of the tramways defined by that Act and the sections of the said Act of which the marginal notes are as follows viz. :—

Number of Section.	Marginal Note.
7	Further provisions as to paving materials of roads.
9	Application of materials excavated in construction of works.
10	Alterations in streets etc.
12	Drainage and cleaning of rails and conduit.
13	Reference of certain questions to arbitration.
23	Overhead system not to be applied without consent of road authority.

shall extend and apply to the new tramways and the reconstructed tramways as defined by this Act.

19. [*For the protection of the Postmaster-General.*]

Agreements with local authorities outside London as to working of tramways.

20. The Council on the one hand and the local authority of any district adjoining the county of London on the other hand may enter into and carry into effect any agreement with respect to the working of any tramway or any part of any tramway in such adjoining district connected with the tramways of the Council. [*See also 3 Edw. 7, c. cccix. ss. 13 and 14, and 4 Edw. 7, c. cccxxi. s. 60.*]

For protection of President and Scholars of Saint Mary Magdalen College Oxford of Truman Hanbury Buxton and Company of F. J. Liddington and of John Luck.

21. Notwithstanding anything shown on the deposited plans the Council shall not (except with the consent of the parties respectively interested therein) enter upon take or use a greater portion of the property numbered 248 on the said plans in the parish of Wandsworth than shall be necessary to enable the Council to widen Garratt Lane to a width of fifty-four feet or of the property numbered 103 on the said plans in the said parish than shall be necessary to enable the Council to widen South Street to a like width.

22. [*Provision against interference with tramways. Identical with 63 & 64 Vict. c. cclxx. s. 43.*]

Tolls etc.

23. The new tramways shall for the purpose of fixing and defining the tolls and charges to be levied and made in respect thereof be deemed so far as they are situate on the north side of the River Thames to form part of the tramways leased by the Council to the North Metropolitan Tramways Company* and so far as they are situate on the south side of the River Thames to form part of the tramway undertaking of the Council.

* The Council purchased the unexpired portion of the lease as from the 1st April 1906. See the North Metropolitan Tramways (Winding Up) Act 1906.

24. [*Provision as to general Tramway Acts. Identical with 63 & 64 Vict. c. cclxx. s. 48.*]

25. [*Power to the Council to make certain street widenings in Red Lion Street, South Street, Garratt Lane, Wandsworth; Defoe Road and Tooting High Street; Harleyford Street, Lambeth; and Camberwell New Road.*]

26. [*For the protection of the Vicar of St. Andrew's Church, viz. prohibiting the Council from entering on certain lands without the consent of the said Vicar, and as to the paving material to be used on the footways and roadway of certain parts of the widened portion of Garratt Lane, Wandsworth; the Council save harmless and keep indemnified the Vicar and the premises marked 251 and 252 in the deposited plans against any expenses connected with forming metalling, sewerage, paving, or flagging such footways and roadway.*]

27. In the construction maintenance and alteration of the tramways by this Act authorised to be constructed widened or altered the following provisions shall unless otherwise agreed between the London and South Western Railway Company (in this section called "the Company") and the Council apply and have effect:—

For protection of London and South Western Railway Company.

(A) The Council or their contractors or agents or any one in their employ respectively shall not in any way alter or interfere with the structure of any railway arch bridge or other work belonging to or maintained by the Company nor erect any post or affix any bracket or wire upon any such bridge or other work without the consent in writing of the Company under the hand of their secretary:

(B) In the event of the Company requiring for the purposes of repair renewal or widening of any such bridge as aforesaid to erect scaffolding against or around the abutments or piers or under the superstructure of such bridge they shall be at liberty to do so after having given fourteen days' notice thereof in writing to the Council and if necessary the Council shall at their own expense during the period required for the execution and completion of such repair renewal or widening divert the line of tramway or wires or make such other arrangements as may be reasonably required by the Company for the purposes of such repair renewal or widening:

(C) The Council shall bear and on demand pay to the Company all reasonable costs of the superintendence by them of the construction erection or laying of any work post wire or bracket or the repair thereof respectively affecting any railway bridge or other property of the Company and all reasonable costs of watching lighting and protection of their railway and other property with reference to and during such construction and repair:

(D) Any additional expense incurred by the Company in the maintenance of the bridges occasioned by the execution by the Council of any works under the powers of this Act shall be borne and paid by the Council and the Council shall indemnify the Company against and compensate them for any damage or injury which may be occasioned to the said bridges or any of them by reason of the exercise of any of the powers of this Act:

- (E) Any difference which may arise between the Council and the Company under this section shall (unless otherwise agreed) be settled by arbitration in manner provided by the Tramways Act 1870.*

28—31. [*Power to the Council to stop up ways temporarily, to raise or lower streets, to deviate, and to make subsidiary works, to stop up streets and appropriate the sites thereof, and to alter and interfere with drains and sewers on providing proper substitutes—Vesting the soil of streets, etc., stopped up in the Council—Substituted sewers and drains to be under the same management as existing sewers and drains.*]

32. [*Power to the Council to lay out carriageways, footways, and other works.*]

33. [*As to the laying of pavements and as to the repair thereof by the authority in whom the repair of the street is vested, or by other parties liable to repair the same.*]

34. [*Power to the Council to fill up sewers and drains on providing substitutes which are to be under the same management as existing sewers and drains.*]

35. [*Power to the Council to alter steps, areas, pipes, etc.*]

36. [*As to the application of 56 & 57 Vict. c. ccii. to this Act. Identical with 62 & 63 Vict. c. cclxvi. s. 28.*]

37. When and as each of the improvements or any part thereof is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the improvement to which it relates as shall have been laid out for carriageway or footway shall form part of the street and may be used by the public accordingly. Subject to the provisions of this Act so much of the land acquired by the Council for the widening of any street as is thrown into and used for the carriageway or footway of any street widened under this Act shall on the completion of such widening become vested in the Council of the metropolitan borough in whom the management and control of the existing street is vested and subject to the provisions of this Act the maintenance repair paving cleansing and lighting of each of the improvements shall be under the care management control and jurisdiction of the council of the metropolitan borough in which the improvement is situate :

Provided also that the provisions of this section with reference to the repair of carriageway shall not apply to that part of any carriageway which under the provisions of the Tramways Act 1870* the Council is bound to keep in repair.

38. [*Power to the Council to sell materials.*]

39.

(2) The powers of the Council for the purchase of lands by agreement shall be deemed to extend to and to authorise the purchase by the Council by agreement of any other lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be

* See Appendix.

Improve-
ments to
form public
streets.
Repair etc.

Power to
take lands.

required by them for the purposes of or in connexion with the improvements.

[Part omitted (power to the Council to take lands compulsorily spent.)]

40. [Power to the Council to take lands at Camberwell for a generating station. Lapsed.]

41. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may (if they think fit) subject to the provisions of the Lands Clauses Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and for the purposes of this Act the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such easements rights and privileges as aforesaid and to any grant of the same respectively.

Power to certain persons to grant easements etc. by agreement.

42—46. [As to errors and omissions in plans—Power to the Council to enter and survey lands to be taken—As to costs of arbitration and as to compensation in the case of recently altered buildings—As to taking parts only of certain properties.]

47. [As to compensation in case of insanitary property. Spent.]

48—49. [As to alteration of the position of water, gas, and other pipes—For the protection of gas and water companies.]

50. Where the Council widen or alter any street in which an electric line is laid under the powers of any Act or Order the owners of such line may make such alteration in the position of such line as may be reasonably necessary subject to such provisions (so far as applicable) as apply in the case of altering such line under their existing powers and any costs reasonably incurred by the owners of such line in such alteration shall be defrayed by the Council.

Alteration of electric lines.

51. [Provisions as to St. Matthew's School. Spent.]

52—53. [Power to the Council to lease surplus lands, and to sell ground rents. Identical with 54 & 55 Vict. c. cevi. ss. 28—29.]

54. [Power to the Council to sell lands without leasing. Identical with 57 & 58 Vict. c. clxxxv. s. 30.]

55. [Power to the Council to let or exchange lands. Identical with 54 & 55 Vict. c. cevi. s. 31.]

56. Any lands acquired by the Council under the powers of this Act except such as are required to form part of any improvement or to be permanently retained for the purposes of this Act and except lands on which buildings shall have been erected by the Council in pursuance of the section of this Act of which the marginal note is "Scheme as to accommodation for persons of the labouring class displaced"* shall subject to the provisions of any future Act of Parliament be sold or disposed of by the Council within a period of sixty years from the first day of September next after the passing of this Act and section 127 of the Lands Clauses Consolidation Act 1845 shall not apply to any lands acquired by the Council under the powers of this Act.

Council to dispose of lands within a certain period.

57—58. [Receipts of the Council to be effectual discharges—Power to the Council to make agreements with owners of property. Identical with 54 & 55 Vict. c. cevi. ss. 33—34.]

* i.e. section 61.

59. [*Period for compulsory purchase of lands limited to 3 years Spent.*]

Period for
completion
of works.

60. If the tramways and improvements be not completed within the period of seven years from the passing of this Act then on the expiration of that period the powers of the Council under this Act for the execution of the same shall cease except so far as the same shall then have been completed.

61. [*As to rehousing labouring-class persons displaced.*]

62. [*As to removal of human remains from burial-grounds. Spent.*]

63. [*Saving the rights of the Duchy of Cornwall.*]

64—66. [*Requiring the Council of the Metropolitan Borough of Wandsworth to contribute one-third of the cost of the widenings of Red Lion Street, South Street, Garratt Lane, Defoe Road, and High Street Tooting (but not exceeding £91,316), and one-third of the cost of widening Merton Road; and the Council of the Metropolitan Borough of Camberwell to contribute £5,000 towards the cost of the widening of Camberwell New Road—As to keeping separate accounts, and as accounts of joint works.*]

67. [*Power to the Council to borrow. Superseded by the London County Council (Money) Acts 1902—1905.*]

Separate
account of
receipts and
payments
relating to
tramways.

68. Notwithstanding anything in this or any other Act all receipts and payments by the Council relating to the tramways shall be carried or charged to the separate account kept by the Council in relation to their tramways and section 47 of the London County Tramways Act 1900 shall be deemed to extend and apply to the tramways as defined by this Act.

Apportion-
ment of
expenses
of certain
improve-
ments.

69. In any case where the Council carry out any improvement of a street in which a tramway is intended to be laid the Council may if they think fit apportion the costs and expenses in such manner as they may think proper between the improvements account and any separate account which they may keep in relation to tramways.

As to pay-
ments under
this Act.

70. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general or special county purposes within the meaning of the Local Government Act 1888 as the Council may decide. . . . [*Part omitted (expenses of obtaining Act) spent.*]

FIRST SCHEDULE. [*Description of lands for generating station. Lapsed.*]

SECOND SCHEDULE. [*Description of properties of which portions only may be taken by the Council.*]

CHAPTER CCLXXII.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO MAKE STREET IMPROVEMENTS AND WORKS AND TO PURCHASE LANDS IN THE ADMINISTRATIVE COUNTY OF LONDON AND FOR OTHER PURPOSES.

[17th August 1901.]

[*Preamble recites (inter alia) that Frederick John Horniman, Esquire, has presented to the Council certain lands in the parish of Lewisham hereinafter referred to as "Horniman Park."*]

PART I.

INTRODUCTORY.

Short title

1. This Act may be cited as the London County Council (General Powers) Act 1901.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

Interpreta-
tion.

“The Council” means the London County Council;

“The improvements” means the improvements and works by this Act authorised;

“Street” has the meaning assigned to that term in the Metropolis Management Acts 1855 to 1893:

And the several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction:

Provided that for the purposes of this Act the expressions “the promoters of the undertaking” and “the company” in the Lands Clauses Acts shall be construed to mean the Council.

3. The Lands Clauses Acts are (except sections 127 and 133 of the Lands Clauses Consolidation Act 1845 and except where expressly varied by this Act) incorporated with and form part of this Act.

Incorporation of Lands
Clauses Acts.

PART II.

IMPROVEMENTS.

4. Subject to the provisions of this Act in the lines or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the Council may execute the improvements and works in the county of London herein-after described viz. :—

Power to
Council to
make works.

Central Street (Saint Luke) Widening.

A widening of Central Street in the parish of Saint Luke on the eastern side thereof between the junction therewith of Old Street and the junction therewith of Clarence Place.

Brixton Road Widening.

A widening of Brixton Road in the parish of Lambeth on the eastern side thereof between the junction therewith of Cranmer Road and the junction therewith of Camberwell New Road.

5. The Council may throw into and use for the purposes of the widening secondly herein-before described such part of that portion of Kennington Park which is situate on the southern side of Camberwell New Road as may be required for the purposes of such widening.

As to portion
of Kenning-
ton Park.

6. [*Saving the rights of the Duchy of Cornwall.*]

7—9. [*Power to the Council to stop up ways temporarily, to raise or lower streets, and to deviate.*]

10. [*Power to the Council to make subsidiary works, to stop up streets and appropriate the sites thereof, and to alter and interfere with drains and sewers on providing proper substitutes—Vesting the soil of streets, etc., stopped up in the Council, but the substituted sewers and drains to be under the same management as existing sewers and drains.*]

11—14. [*As to alteration of water, gas, and other pipes—For the protection of gas and water companies—As to alteration of electric lines—Power to the Council to lay out carriageways.*]

15. [*As to the laying of pavements, and as to the repair thereof by the authority in whom the repair of the street is vested, or by other parties liable to repair the same.*]

16. [*Power to the Council to fill up sewers and drains on providing substitutes, which are to be under the same management as existing sewers and drains.*]

17. [*Power to the Council to alter steps, areas, pipes, etc. Spent.*]

Applying provisions of London County Council (Subways) Act 1893 to certain improvements.

18. The provisions of the London County Council (Subways) Act 1893 shall apply to any subway to be constructed under the powers of this Act and to any subway which may be constructed in connexion with the widening or improvement of Mansell Street in the parish of Saint Mary Whitechapel by the Council or the Council of the Metropolitan Borough of Stepney as if such subway or part thereof had been included in the expression "subway" in the said Act of 1893 and the provisions of section 3 of the said Act shall apply during the actual construction of any such subway. Provided that for the purposes of the application of the said Act of 1893 to any subway to be constructed under the powers of this Act or in connexion with the said widening or improvement of Mansell Street the London Hydraulic Power Company shall be deemed to be a water company.

19. [*Period for the completion of the improvements limited to 5 years. Extended till 17th August 1907 as regards the widening of Central Street by the London County Council (General Powers) Act 1906.*]

Improvements to form public street.
Repair etc.

20. When and as each of the improvements or any part thereof is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the improvement to which it relates as shall have been laid out for carriageway or footway shall form part of the street and may be used by the public accordingly. Subject to the provisions of this Act so much of the land acquired by the Council for the widening of any street as is thrown into and used for the carriageway or footway of any street widened under this Act shall on the completion of such widening become vested in the authority in whom the management and control of the existing street is vested and subject to the provisions of this Act the maintenance repair paving cleansing and lighting of each of the improvements shall be under the care management control and jurisdiction of the authority in whom the management and repair of streets is vested in the same manner as other streets in their district.

21. [*Power to the Council to sell materials.*]

PART III.

LANDS.

Power to take lands for works.

22.

(2) The powers of the Council for the purchase of lands by agreement shall be deemed to extend to and to authorise the purchase by the Council by agreement of any other lands which they may

think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be required by them for the purposes of or in connexion with the improvements.

[Part omitted (power to the Council to take lands compulsorily) spent.]

23. Subject to the provisions of this Act the Council may purchase and take in addition to the lands required for the general purposes of this Act the lands in the county of London herein-after described and which are delineated on the deposited plans and described in the deposited book of reference for the purposes respectively herein-after stated (that is to say):—

(1) For the purposes of the Metropolitan Fire Brigade Act 1865—

(a) Land in the parish of Saint Paul Deptford bounded on the north-east by Lower Road Deptford on the south-east by Grimstead Road on the south-west by Deptford Park and comprising the premises known as Nos. 9 10 and 11 Deptford Park Terrace :

(b) Land in the parish of Saint Mary Abbot Kensington bounded on the north by the Kensington Palace Barracks on the west by the Wesleyan Chapel in Clarence Mews on the south by land and premises situate between the eastern end of Clarence Place and Brown's Buildings and on the east by the gardens at the rear of the houses in Kensington Palace Gardens :

(2) For the erection of dwellings for persons of the labouring classes whose dwellings have been or will be removed under the provisions of the Thames Tunnel (Rotherhithe and Ratcliff) Act 1900—

(a) Lands in the parish of Rotherhithe bounded on the northern side by Rotherhithe Street on the eastern side by Swan Lane and on the southern and western sides by property belonging to the Council ;

(b) Lands in the same parish bounded on the northern side by Rotherhithe Street on the western side by Railway Avenue on the southern side in part by the premises known as No. 5 Railway Avenue and in part by Kenning Street and on the eastern side by property belonging or reputed to belong to the Council :

(3) For other purposes of or in connexion with the Thames Tunnel (Rotherhithe and Ratcliff) Act 1900—

Lands in the hamlet of Ratcliff bounded on the north by the property known as Batger's Confectionery Works or the Metropolitan Confectionery Works on the south by the passage leading from Butcher Row into Painters Rents on the east by Butcher Row and on the west by the court known as Painters Rents including that court and comprising the premises known as Nos. 10 12 14 16 and 18 Butcher Row and 3 4 5 6 and 7 Painters Rents.

24—38. [As to the acquisition of easements—Errors and omissions in plans—Power to the Council to enter upon and survey lands to be taken—As to arbitration—Compensation in the case of recently altered buildings—Power to the Council to take parts only of certain properties—Compensation in the case of insanitary property—Period for the compulsory purchase of lands limited to 3 years—Power to

the Council to lease surplus lands, to sell ground rents, and to sell lands without leasing—Receipts of the Council to be effectual discharges—Power to the Council to make agreements with owners of property. Spent.]

39. *[As to the confirmation of an agreement (set forth in the 2nd Schedule) with the Ironmongers Company relating to the acquisition by the Council from the Company of certain property.]*

40. *[As to rehousing labouring-class persons displaced. Spent.]*

PART IV.

IMPROVEMENT AREA AND CHARGE.

Improvement
charge.

41. And whereas the Central Street (Saint Luke) widening by this Act authorised will or may substantially and permanently increase in value lands in the neighbourhood thereof which will not be acquired for the purpose thereof and it is reasonable that provision should be made under which in respect or in consideration of such increased value a charge should be placed on such lands Therefore the following provisions shall have effect viz. :—

Definitions
in this part
of this Act.

(1) In and for the purposes of this part of this Act—

The expression—

“The improvement area” means the area shown on the deposited plans within the line thereon indicating the limits within which an improvement charge may be imposed :

“The improvement” means the Central Street (Saint Luke) widening by this Act authorised.

[Part omitted is to the same effect and in almost identical terms with s. 36 of 58 & 59 Vict. c. cxxx. from the definition of the word “owner” to the end of the section.]

PART V.

MISCELLANEOUS.

42—43. *[Extension till the 12th August 1903 of the period for the compulsory purchase of land authorised by 61 & 62 Vict. c. cexii., and application of Part II. of the Railways Clauses Act 1863 to such extension. Spent.]*

Purchase of
certain lands
for extension
of Brockwell
Park.

44.—(1) The Council may purchase and acquire by agreement and may hold certain lands in the parish of Lambeth and county of London adjoining and to the northward of Brockwell Park and lying between Brailsford Road Water Lane and Dulwich Road and the Council may also purchase and acquire any existing leasehold or other interests in such lands or purchase such lands subject to any existing leases or interests and as from the time when the said lands come into possession of the Council and as from the expiration or earlier determination of any such leases respectively the Council may use the said lands or any part thereof as and for an open space or recreation ground in enlargement of or in connexion with Brockwell Park aforesaid.

(2) As and from the date when such lands or any part thereof are added to Brockwell Park the same or such part thereof shall be held as part of and shall be subject to all the provisions relating to Brockwell Park aforesaid.

45. The Council subject to and in accordance with the provisions of the London Streets (Removal of Gates Bars etc.) Act 1893 may take down and remove the wall across the western end of Lambert Road in the parish of Lambeth together with any erections connected therewith in the same manner as if it were one of the obstructions mentioned in the schedule to that Act and from and after such removal the site of the said wall shall form part of the said street for all purposes of public traffic and shall be repaired maintained lighted cleansed and drained as part of the said street.

Removal of
obstruction
in Lambert
Road
Brixton.

46.—(a) Notwithstanding anything in the Mortmain and Charitable Uses Act 1888 or any other Act to the contrary Horniman Park shall as from the passing of this Act vest and remain vested in the Council for all the estate and interest held or possessed by the said Frederick John Horniman therein or to which he was entitled on the day of the date of the Horniman conveyance and the Horniman conveyance shall as from the passing of this Act have full force and effect and be binding on the said Frederick John Horniman his heirs executors and administrators and the Council in accordance with the terms thereof.

Acquisition
of Horniman
Park and
powers and
provisions as
to manage-
ment
thereof.

(b) The Council may from time to time exercise all necessary powers for the maintenance and preservation of Horniman Park for the purposes mentioned in the Horniman conveyance and may if they think fit enclose the said lands or any part thereof with a view to the better or more effectual preservation thereof for the said purposes and may retain or remove alter enlarge or adapt any buildings thereon for any purpose which they may think conducive to the public benefit in accordance with the provisions of this Act and the Horniman conveyance.

(c) The Council may erect and maintain in Horniman Park huts and lodges for the accommodation of keepers constables and other persons employed by the Council in connexion with the maintenance and management of Horniman Park.

(d) The powers given by this section subsections (b) and (c) are to be exercised subject and without prejudice to the subsisting leases and tenancies mentioned in the Horniman conveyance.

(e) The Council may if they think fit from time to time redemise the messuages and premises comprised in the Horniman conveyance now subject to leases or tenancies after the expiration or determination of the respective leases or tenancies for such number of years and upon such terms and conditions as they may think fit but without taking any fine or premium and continue to apply the rents thereof for the purposes mentioned in the Horniman conveyance as to the present rents thereof.

PART VI.

CONTRIBUTIONS BY LOCAL AUTHORITIES.

47. [Empowering and requiring the Council of the Metropolitan Borough of Finsbury to contribute £15,000 towards the cost of the Central Street (Saint Luke) widening; and the Councils of the Metropolitan Boroughs of Camberwell, Lambeth, and Southwark to contribute £8,000, £20,000, and £2,500 respectively towards the purchase of lands for the enlargement of Brockwell Park.]

PART VII.

FINANCIAL.

48. [Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council (Money) Acts 1902—1905.]

As to
payments
under this
Act.

49. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [Part omitted (as to expenses of obtaining Act) spent.]

FIRST SCHEDULE. [Description of properties of which portions only may be taken by the Council. Spent.]

SECOND SCHEDULE. [Agreement made 1st August 1901 between the Master and Keepers or Wardens and Commonalty of the Mystery or Art of Ironmongers, London (hereinafter called "the Ironmongers Company"), of the one part, and the Council of the other part, in reference to the purchase by the Council of the several premises coloured red and green and hatched with green lines on the plan marked A annexed thereto. Spent.]

THIRD SCHEDULE. [Agreement made 26th March 1901 between Frederick John Horniman, Esquire, M.P., of the one part, and the Council of the other part, in reference to the conveyance by the said F. J. Horniman, as beneficial owner, to the Council of certain pieces or parcels of land situate in the parish of Lewisham, together with the messuage or tenement standing on part thereof known as "Surrey Mount," and the museum standing on other part thereof known as "Horniman Museum," and the several messuages or tenements standing on parts thereof and known as Rose Hill, Rose Cottage, Stanley House, Brunswick House, Bisley House, High Meadow, and Bolton Brow, subject to the leases and tenancies specified in the schedule thereto, to the intent that the same shall be hereafter used as a public museum and a public park to be dedicated to the recreation of the public.]

2 EDWARD VII. A.D. 1902.

CHAPTER 13.

AN ACT TO AUTHORISE THE ESTABLISHMENT OF LABOUR BUREAUX THROUGHOUT THE METROPOLIS. [22nd July 1902.]

A borough
council may
establish a
labour
bureau.

The expenses
thereof to be
met out of
the general
rate.

Meaning of
labour
bureau.

Short title.

1. It shall be lawful for the council of any metropolitan borough to establish and maintain a labour bureau.

2. Any expenses incurred by a borough council in or incidental to the exercise of the powers conferred by this Act shall be paid out of the general rate.

3. In this Act the term "labour bureau" shall mean an office or place used for the purpose of supplying information either by the keeping of registers or otherwise respecting employers who desire to engage workpeople and workpeople who seek engagement or employment.

4. This Act may be cited as the Labour Bureaux (London) Act, 1902.

CHAPTER 41.

AN ACT FOR ESTABLISHING A WATER BOARD TO MANAGE THE SUPPLY OF WATER WITHIN LONDON AND CERTAIN ADJOINING DISTRICTS, FOR TRANSFERRING TO THE WATER BOARD THE UNDERTAKINGS OF THE METROPOLITAN WATER COMPANIES, AND FOR OTHER PURPOSES CONNECTED THEREWITH.

[18th December 1902.]

Establishment of Water Board.

1.—(1) A board, to be called the Metropolitan Water Board, and in this Act referred to as “the Water Board,” shall be established for the purpose of acquiring by purchase and of managing and carrying on the undertakings of the companies mentioned in the First Schedule to this Act (in this Act referred to as “metropolitan water companies”), and generally for the purpose of supplying water within the area described in the Second Schedule to this Act, subject to such alterations therein as may be made by or under this Act (which area is in this Act referred to as “the limits of supply”).

(2) The Water Board shall be a body corporate with a common seal, having power to acquire and hold land for the purposes of this Act without licence in mortmain.

(3) Subject to the provisions of this Act, the Water Board shall consist of a chairman, a vice-chairman, and other members; the chairman and vice-chairman shall be appointed by the Water Board, and the other members shall be appointed as follows:—

Fourteen by the London County Council.

Two by the Common Council of the City.

Two by the Council of the City of Westminster.

One by the council of each of the other metropolitan boroughs.

One by the County Council of Essex.

Two by the Council of the Borough of West Ham.

One by the Council of the Urban District of East Ham.

One by the Council of the Urban District of Leyton.

One by the Council of the Urban District of Walthamstow.

One by the Councils of the Urban Districts of Buckhurst Hill, Chingford, Loughton, Waltham Holy Cross, Wanstead, and Woodford.

One by the County Council of Kent.

One by the Councils of the Urban Districts of Beckenham, Bromley, Chislehurst, Penge, Bexley, Dartford, Erith, and Footscray.

One by the County Council of Middlesex.

One by the Council of the Urban District of Tottenham.

One by the Council of the Urban District of Willesden.

One by the Council of the Borough of Ealing and the Councils of the Urban Districts of Acton and Chiswick.

One by the Councils of the Urban Districts of Brentford, Hampton, Hampton Wick, Hanwell, Heston and Isleworth, Stnbury, Teddington, and Twickenham.

One by the Councils of the Urban Districts of Edmonton, Enfield, and Southgate.

One by the Councils of the Urban Districts of Hornsey and Wood Green.

One by the County Council of Surrey.

One by the Council of the Borough of Kingston and the Councils of the Urban Districts of East and West Molesey, Esher and the Dittons, Ham, Surbiton, Barnes, the Maldens and Coombe, and Wimbledon.

One by the County Council of Hertfordshire.

One by the Conservators of the River Thames.

One by the Lee Conservancy Board.

(4) The Water Board may pay to the chairman and vice-chairman or either of them such salary or salaries as the Board may determine.

(5) Subject to the provisions of this section the provisions of the Third Schedule to this Act with respect to the constitution and proceedings of the Water Board shall have effect.

Transfer to Water Board of Undertakings of Companies.

Transfer of
undertakings
of water
companies
to Board.

2.—(1) Subject to the provisions of this Act, as from the appointed day the undertaking of each of the metropolitan water companies shall be transferred to and shall vest in the Water Board, and there shall also be transferred from each company to the Water Board all liabilities with respect to any debenture stock or mortgage debt of such company, and all other debts, liabilities, and obligations of such company then existing.

[Part omitted (as to compensation for the companies' undertakings spent).]

Effect of
transfer.

3. Subject to the provisions of this Act, as from the appointed day the Water Board shall hold the undertaking of each metropolitan water company and may exercise all the rights, powers, authorities, and privileges of the company, and shall (to the exclusion of the company) be subject to all the duties, obligations, and liabilities of the company, under the Acts, whether local or general, and the charters, orders, and other provisions relating to the company in like manner mutatis mutandis as if they were the company, and where the company are, immediately before the appointed day, supplying water otherwise than in bulk in any parish in which they are not by the Acts relating to the company authorised to supply water, those Acts and all public general Acts applying to the metropolitan water companies shall as from that date extend and apply to that parish and the works of the company comprised therein, as if the parish had been a parish in which the company were authorised to supply water :

Provided that so much of any Act as authorises or requires any such company to supply water otherwise than in bulk in any place which, in accordance with the provisions of this Act, ceases to be within the limits of supply, shall not, so long as that place continues to be without the limits of supply, apply to the Water Board.

Security for
mortgage
and other
debts trans-
ferred to
Board.

4. As from the appointed day any debts, debenture stock, or rentcharges or other annual payments secured on the undertaking or income of any of the metropolitan water companies or any part thereof shall be by virtue of this enactment secured in like manner on the water fund established by this Act, and any debts, debenture stock, or rentcharges or other annual payments charged on any specific property of any such company shall remain charged on that property ; and the mortgagee or other person secured shall have the same rights and remedies, as nearly as may be, against the

Water Board and the water fund or any specific property charged, as he would have had against the company and the undertaking or income, or the specific property charged, if this Act had not been passed.

5. [*As to the discharge, application, and distribution of the compensation payable to the metropolitan water companies other than the New River Company. Spent.*]

6.—(1) As soon as the compensation to which any metropolitan water company are entitled has been applied and distributed in accordance with the provisions of this Act, the Chamberlain of the City of London shall transfer to the Water Board all money or other property received by him in respect of the stock or shares of the company held by him, and applicable as a sinking fund towards the purchase of the undertaking of the company under the special Acts of the company, and shall at the same time transfer to the Water Board any debenture stock or money held by him and applicable towards the same purpose.

Application
of sinking
funds.

(2) Any water stock or debenture stock transferred to the Water Board under this section shall be forthwith cancelled and extinguished.

(3) So much of any local Act as requires any such company to make periodical payments to any such fund as aforesaid shall not apply to the Water Board.

7.—(1) Within two years from the appointed day all irredeemable debenture stock shall be extinguished, and the Water Board shall issue to the holders thereof in substitution therefor the amount of water stock to which they are severally entitled under this section.

Substitution
of water
stock for
irredeemable
debenture
stock.

(2) The amount of water stock to be so issued to a holder of debenture stock shall be such an amount as is sufficient to produce the same sum by way of income as the debenture stock in substitution for which it is issued.

(3) As soon as the Water Board resolve to issue water stock in substitution for any debenture stock under this section, they shall give notice of their intention to do so by advertising it once in the London Gazette and in two or more London daily newspapers, and by sending notice by post to each of the holders of that debenture stock, to his registered address, and the notice shall specify the place and the time, not being less than three months from the date of the notice, at which the issue of water stock will be made.

(4) Before water stock is issued under this section in substitution for any debenture stock the certificate of that stock shall be produced and delivered to the Water Board: Provided that the Water Board shall dispense with the production and delivery of a certificate upon receiving such indemnity as may be reasonably required.

(5) As from the time fixed by the notice for the issue of water stock in substitution for any debenture stock, that debenture stock shall be cancelled and extinguished, and no interest shall after that time accrue due in respect thereof, but the water stock issued in substitution therefor shall carry interest as from the time so fixed.

(6) Water stock issued under and for the purposes of this section shall not be redeemable until after the expiration of sixty years from the thirty-first day of March one thousand nine hundred and three.

(7) The water stock under this section substituted for any irredeemable debenture stock shall be held in the same rights,

on the same trusts, and subject to the same powers, provisions, charges, and liabilities as those in, on, or to which the debenture stock was held immediately before the substitution, and so as to give effect to, and not to revoke, any deed, will, or other instrument or testamentary or other disposition disposing of or affecting the debenture stock, and every such deed, will, instrument, or disposition shall take effect with reference to the whole or a proportionate part, as the case may be, of the substituted water stock.

Provision
as to
redeemable
debenture
stock and
mortgage
debts.

8.—(1) The Water Board shall, within one hundred years from the thirty-first day of March one thousand nine hundred and three, purchase or redeem, and pay off, all redeemable debenture stock and all mortgage debts, and any stock so purchased or redeemed by the Board shall, as from the date of the purchase or redemption, be extinguished and cancelled.

(2) The holder of any such debenture stock or mortgage debt, whether or not he is a trustee or under any disability, may agree with the Water Board to accept water stock in lieu of money in consideration for his debenture stock or mortgage debt.

(3) Nothing in this section shall be construed as authorising the Water Board to redeem debenture stock otherwise than in accordance with the conditions as to redemption applicable to the stock.

Special pro-
visions as to
New River
Company.

9. With respect to the New River Company and the undertaking thereof, the following provisions shall have effect notwithstanding anything in this Act contained :—

(1) The undertaking of the New River Company shall not include any landed estate, houses, or property of the Company not directly used for or connected with their water supply, nor any books, accounts, or documents relating solely to such estate, houses, and property nor any books, accounts, or documents which though connected with their water supply also relate to other parts of the undertaking or property of the New River Company, all which landed estate, houses, and property and books, accounts, and documents so excepted shall be specified in a schedule sealed with the seal of the Company, and signed by the Governor of the Company and by a secretary of the Local Government Board, and deposited with that Board; and all such estate, houses, and property and every part thereof shall, as from the appointed day, be absolutely freed and discharged from the debenture stock of the New River Company and the Staines Reservoirs guaranteed debenture stock, and from all principal moneys and interest thereby secured.

(2) There shall be excepted from the debts, liabilities, and obligations of the New River Company transferred to the Water Board all debts, liabilities, and obligations of that Company incurred solely in respect of such estate, houses, and property as aforesaid, or any part thereof.

(3) The undertaking of the New River Company shall not include such part of the offices and premises in Rosebery Avenue now in the occupation of that Company and the office furniture and fittings therein as may after the appointed day be reasonably required for the purposes of the Company, and all structural or other alterations which

may be requisite for the division of the said offices and premises shall be executed at the expense of the Water Board, and in case of difference as to such division or the cost thereof the same shall be settled by the Court of Arbitration.

(4)—(5) [*As to the compensation to be made to New River Company and the apportionment thereof. Spent.*]

(6) The transfer of the undertaking of the New River Company to the Water Board shall include the transfer of all interest and estate of any shareholder of the Company in any land or property forming part or used for the purposes of the undertaking of the Company and not excepted by the provisions of this section.

(7) [*Adventurers' shares and King's shares and water stock issued in respect thereof to be for all purposes of disposition, transmission, and devolution considered as land for certain limited periods.*]

(8) [*Requiring the New River Company to introduce a Bill for certain purposes in 1903 or 1904. Spent. (See the New River Company's Act 1904.)*]

(9) The Water Board shall, if so required by the New River Company, instead of issuing to the Company the whole of the water stock to be issued to them under this Act, issue that water stock to such amounts and to such persons as the Company may require, and the issue of water stock in accordance with such requirements shall to that extent discharge the Water Board of their liability to issue water stock to the Company.

10. [*Provisions that no compensation shall be paid to the Staines Reservoirs Joint Committee, and for the dissolution of that committee. Spent.*]

Provisions as to certain Boroughs and Districts.

11.—(1) As from the appointed day the water undertaking of the Councils of the Urban District of Tottenham, and of the Urban District of Enfield, shall be transferred to and shall vest in the Water Board freed from all debts, liabilities, and obligations of the Council incurred in respect of or attaching to the undertaking.

Transfer of water undertakings of the Tottenham and Enfield District Councils.

(2) [*As to consideration for transfer.*]

(3) All securities granted before the appointed day on the credit of any fund or rate of either of the said Councils, as well as all unsecured debts, liabilities, and obligations incurred by either of those Councils in respect of their water undertaking shall be discharged, paid, and satisfied by that Council.

(4) [*Application of consideration.*]

(5) The Water Board shall, as from the appointed day, supply water in such parts of the urban district of Tottenham as are immediately before that date supplied by the Council thereof, and that supply shall be furnished by the Board as if in exercise of their powers as successors of the New River Company, and the Acts relating to and the regulations made by that Company shall apply not only to the parts so supplied, but also to the remaining parts of that district, except the portion supplied by the East London Waterworks Company.

(6) The Water Board shall, as from the appointed day, supply water in such parts of the urban district of Enfield as are

immediately before that date supplied by the Council thereof, and that supply shall be furnished by the Board as if in exercise of their powers as successors of the New River Company, and the Acts relating to and the regulations made by that Company shall apply not only to the parts so supplied, but also to the remaining parts of that district, subject however, as regards a portion of the district of Enfield, to the provisions of this Act with respect to the Barnet District Gas and Water Company.

(7) The provisions of this Act as to—

(a) the inspection of works; and

(b) the inspection and taking copies of and extracts from books, accounts, and documents; and

(c) Existing officers and existing servants; and

(d) Agreements

shall apply to the waterworks, and the books, accounts, and documents relating thereto, and the officers and servants employed solely thereon or in connection therewith, of the Councils of the Urban Districts of Tottenham and Enfield, and to agreements between the Water Board and those Councils, in like manner as they apply to the works, books, accounts, and documents, and existing officers and existing servants of the metropolitan water companies, and to agreements between the Water Board and those companies.

(8) For the purposes of this section the expression “water undertaking” includes all lands, buildings, wells, works, materials, and plant of the Councils suitable to and used by them for the purposes of supplying water within their districts, and all books, accounts, and documents relating solely thereto.

Provisions
as to certain
boroughs
and urban
districts.

12. As from the appointed day such parts of the boroughs of Croydon and Richmond, and of the urban districts of Cheshunt and Ware, as are within the limits of supply shall cease to be within the limits of supply, and the powers, rights, and duties of the councils of those boroughs and districts with respect to the supply of water shall extend throughout their respective boroughs and districts, and all such waterworks and plant transferred to the Water Board under this Act as are situate in any such borough or urban district and which are at the passing of this Act or have been within six months immediately previous thereto in actual use for the supply of any part of the borough or district (other than waterworks or plant used for supplying with water any other place within the limits of supply) shall be transferred to and shall vest in the council of the borough or district in which they are so situate upon such terms as may be agreed upon between the council and the Water Board, or, in default of agreement, as may be determined by arbitration under this Act, and the council shall also pay to the Water Board in respect of the loss by the Water Board and the acquisition by the council of the right of supplying water within the parts of the borough or urban district within which the council are not supplying water at the passing of this Act, such sum (if any) as may be agreed upon or determined in like manner.

Supply in
bulk to cer-
tain districts
and persons.

13.—(1) The Water Board shall if required by the Council of the Borough of Croydon or Richmond, or of the Urban District of Cheshunt or Ware, or by the council of any rural district situate wholly or partly within the limits of supply, supply water in bulk

to that council for use within any part of the district of the council which at the passing of this Act was within the limits of supply, in such quantities, and at such price and generally upon such terms and conditions as may be agreed upon between the council and the Water Board, or, in default of agreement, as may be determined by arbitration, and the agreement or award may provide for the revision from time to time of the quantity of water to be supplied, and the price, terms, and conditions of the supply and for the discontinuance of the supply in such manner as may be specified in the agreement or award:

Provided that if the Water Board are required to supply water in bulk to the council of a rural district the district shall cease to be within the limits of supply, and if the district is one in which, at the date of the requisition, there are situate any waterworks and plant belonging to the Water Board, which are at the date of such requisition or have been within six months immediately preceding thereto in actual use for the supply of any part of such district the waterworks and plant so situate and used (except the waterworks or plant necessary for supplying with water any other place within the limits of supply) shall be transferred to and shall vest in the council upon such terms as may be agreed upon between the council and the Water Board, or, in default of agreement, as may be determined by arbitration, and the council shall also pay to the Water Board in respect of the loss by the Water Board, and the acquisition by the council, of the right of supplying water within the parts of the district within which the council are not supplying water at the date of such requisition such sum (if any) as may be agreed upon or determined in like manner.

(2) Where the price to be paid for a supply of water in bulk or the quantity of water to be so supplied or the terms and conditions of the supply can be determined in the course of an arbitration held for the purpose of determining the price to be paid for waterworks and plant transferred by this Act to the council of a borough or urban district, or the sum to be paid in respect of the right of supplying water, the price, quantity, terms, or conditions shall if necessary be determined at that arbitration; but save as aforesaid an arbitration under this section shall be in accordance with the provisions of the Public Health Act, 1875, with respect to arbitrations authorised by that Act, and the provisions as to arbitrations under this Act shall not apply. 38 & 39 Vict.
c. 55.

(3) Where any metropolitan water company before the passing of this Act have from time to time supplied water in bulk to any person in any district in which the company are not authorised to supply water, the Water Board may continue to furnish such a supply upon such terms and subject to such conditions as may be agreed upon between the Water Board and the person supplied.

14.—(1) The quantity of water to be supplied in bulk under the provisions of this Act by the Water Board to the council of an urban or rural district in Hertfordshire shall not be determined by agreement or arbitration, but shall be such quantity as the council may require, so, however, that the quantity required in any quarter shall not exceed such quantity as will suffice to afford the like quantity of water per head of the population within the area supplied by the council as was during the corresponding quarter in the preceding year supplied per head of the population within the limits of supply, and that the quantity required in any one day Special provisions as to Hertfordshire.

shall not exceed one sixtieth of the total quantity which can be required during the quarter comprising that day and any questions arising under this sub-section shall be determined by the Local Government Board.

(2) In the event of the Council of the Urban District of Hoddesdon becoming entitled to construct waterworks within their district, the provisions of this Act relating to the supply of water in bulk to the councils of rural districts shall apply as if that urban district were a rural district in Hertfordshire.

Financial Provisions.

Expenses of
Board.

15.—(1) There shall be established a water fund, and all receipts of the Water Board shall be carried to that fund, and all payments by the Board shall be made out of that fund.

(2) Any sum required to meet any deficiency in the water fund, whether for satisfying past or future liabilities, in any financial year, shall be apportioned amongst the City of London and the metropolitan boroughs in the County of London and the municipal boroughs and urban districts outside London, the councils of which are for the time being entitled to be represented on the Water Board, in proportion to the rateable value appearing in the valuation lists in force on the preceding sixth day of April of the hereditaments at that date supplied with water by the Water Board or any metropolitan water company or the Council of the Urban District of Tottenham or Enfield in the City and each such borough and district.

(3) The Water Board shall issue precepts for the sums apportioned to the City and the several boroughs and districts liable—

- (a) in the case of the City of London, to the Common Council ;
- (b) in the case of a metropolitan borough, to the council of that borough ;
- (c) in the case of a municipal borough or urban district, to the council thereof ;

and the council shall pay to the Water Board the amount specified in the precept.

(4) The amount required by any such precept shall be paid—

- (a) in the case of the City out of the consolidated rate ;
- (b) in the case of a metropolitan borough as part of the expenses incurred by the council thereof ;
- (c) in the case of a municipal borough or urban district out of the fund or rate out of which the expenses of the council thereof incurred in the execution of the Public Health Acts are payable.

(5) A demand note for any rate levied for defraying any expenses of the Water Board, together with other expenses, shall state as a separate item the amount to be paid for defraying the expenses of that Board.

(6) The Water Board shall not, until Parliament otherwise determine, reduce the rates charged for the supply of water below those in force during the quarter ending the twenty-fourth day of June one thousand nine hundred and two, unless the Board are satisfied that such a reduction would not cause a deficiency in the water fund ; but the Water Board shall, within three years after the appointed day, introduce into Parliament a Bill providing for uniform scales of charges applicable throughout the limits of supply.

(7) Within three years after the appointed day the Water Board may prepare and publish in the London Gazette a scheme enabling their charges for the supply of water to be collected together with any local rate.

Any local or rating authority within the limits of supply may transmit to the Local Government Board their objections to any such scheme within forty days after the scheme is published in the London Gazette.

16.—(1) The Water Board may borrow money for the purpose of— Powers of borrowing.

(a) paying any money (other than money payable by way of interest on purchase money) payable under this Act by the Water Board to a metropolitan water company; and

(b) paying any money payable under this Act by the Water Board to the Council of the Urban District of Tottenham or Enfield; and

(c) purchasing, redeeming, or paying off any debenture stock or mortgage debt; and

(d) executing any work authorised by the Acts relating to any of the metropolitan water companies, so that the amount does not exceed the amounts which were immediately before the appointed day under those Acts authorised to be raised for that purpose, but have not been raised before that date; and

(e) paying any compensation payable under this Act (otherwise than by way of annuity);

and, with the consent of the Local Government Board, for the purpose of any payment by the Water Board or of any permanent work or other thing which the Water Board are authorised to execute or do, and which or the cost of which ought, in the opinion of the Local Government Board, to be spread over a term of years.

(2) All money borrowed under this section shall be raised by means of the issue of water stock under this Act, unless the Local Government Board consent to some other mode of raising the money, and, where the Local Government Board so consent, any money raised and the interest thereon shall be charged on the water fund or on such property or revenues of the Water Board, and in such manner as the Local Government Board may sanction.

(3) Any money borrowed under this Act, if borrowed for the purpose of making any payment to a metropolitan water company, or to the Council of the Urban District of Tottenham or Enfield, or of redeeming, purchasing, or paying off any debenture stock or mortgage debt, shall be repaid within the period of one hundred years from the thirty-first day of March one thousand nine hundred and three, and, if borrowed for any other purpose, shall be repaid within such period not exceeding sixty years from the date of the borrowing as the Water Board, with the consent of the Local Government Board, may determine.

(4) For the purpose of paying off a loan raised under this Act, the Water Board shall have the like powers of re-borrowing as a county council have under section sixty-nine of the Local Government Act, 1888, and the provisions of that section so far as they relate to re-borrowing shall apply as if they were herein re-enacted and in terms made applicable to the Water Board and to the security on which that Board are by or under this Act authorised to borrow. 51 & 52 Vict. c. 41.

(5) So much of any Local Act as relates to the method of

borrowing money by a metropolitan water company shall as from the appointed day be repealed.

Issue of
water stock.

17.—(1) For the purpose of enabling the Water Board to raise money which they are authorised to borrow under this Act, and to issue any water stock which, under the provisions of this Act, is to be issued to any metropolitan water company or the holder of any debenture stock or mortgage debt, the Water Board may create a sufficient amount of stock, to be called Metropolitan Water Stock, and in this Act referred to as water stock, bearing interest at such a rate not exceeding three pounds per centum per annum, as the Water Board, with the consent of the Local Government Board, and after consultation with the Governor of the Bank of England, may resolve.

(2) Water stock and the interest thereon shall be charged on the water fund and on all the revenues of the Water Board.

53 & 54 Vict.
c. 59.

(3) Subject to the provisions of this Act, the provisions of section fifty-two of the Public Health Acts Amendment Act, 1890, which relates to the issue of stock by local authorities, shall apply to water stock as if it were stock created under, and the Water Board were an authority mentioned in, that section, and the regulations in respect of water stock issued to the holders of irredeemable debenture stock shall be uniform with the regulations in respect of other water stock except as to the period of redemption and the provisions relating thereto.

56 & 57 Vict.
c. 53.

(4) Water stock shall be included amongst the securities in which a trustee may invest under the powers of the Trustee Act, 1893.

Provisions as
to discharge
of loans, etc.

18.—(1) The Water Board shall, in accordance with regulations made by the Local Government Board, by the creation of one or more sinking or redemption funds or otherwise, make provision for—

- (a) the discharge within a period of one hundred years from the thirty-first day of March one thousand nine hundred and three of the amount of any water stock issued by the Board in consideration for the undertaking of any metropolitan water company or in substitution or in consideration for any debenture stock or mortgage debts; and
- (b) the discharge within that period of all debenture stock and mortgage debts which under this Act are to be discharged within that period; and
- (c) the discharge within the periods within which they are under this Act to be discharged of any sums borrowed by the Water Board under this Act:

Provided that during the first twenty years of the said period of one hundred years the Water Board shall not be required to make any payments towards the discharge of water stock, debenture stock, mortgage debts, or loans, for the discharge of which the said period of one hundred years is fixed by this Act, other than the payment in respect of each year towards the discharge of such water stock of the amount (if any) by which the receipts on revenue account exceed the expenditure on that account of the Water Board in that year, after deducting such sum as may be reasonably necessary for meeting current expenses. The sums so to be paid shall be paid as soon as may be after the amount thereof is ascertained, and

the certificate of the auditor of the accounts of the Water Board, subject to such variations as the Local Government Board may allow, shall be conclusive as to the amount to be paid.

(2) The Local Government Board may make regulations under this section, and the regulations so made—

- (a) if they relate to the discharge of water stock, shall be made under section fifty-two of the Public Health Acts 53 & 54 Vict. Amendment Act, 1890, as applied by this Act; and c. 59.
- (b) if they relate to the discharge of any debenture stock, mortgage debts, or loans, may apply, with or without modifications, any enactments of the Local Loans Act, 1875, and the Acts amending that Act, and may contain such other provisions as appear to the Local Government Board necessary or proper for the purpose of the regulations, and shall have effect as if they were enacted in this Act. 38 & 39 Vict. c. 83.

(3) For the purpose of this section, the expression “discharge” means—

- (a) with respect to water stock and debenture stock, the redemption or purchase thereof; and
- (b) with respect to mortgage debts and loans, the payment off or repayment thereof.

19. The accounts of the Water Board, and any committee appointed by them, and of their officers, shall be made up and audited in like manner, and subject to the same provisions, as the accounts of county councils, except that a water consumer shall have the same right of being present at the audit, and of making objections and appealing, as a ratepayer has, and that the stamp duty charged on the Water Board for the purposes of the District Auditor's Act, 1879, shall be such as the Treasury, after consultation with the Local Government Board, and having regard to the cost of the audit, may determine, and the enactments relating to the accounts of county councils and the audit thereof, and to all matters incidental thereto and consequential thereon, including the penal provisions, shall apply accordingly. Accounts and audit.

20.—(1) At the beginning of every financial year the Water Board shall cause to be submitted to them an estimate of the receipts and expenditure of such Board during that financial year whether on account of property, contributions, rates, loans, or otherwise. Provisions as to payments by the Water Board.

(2) All payments to and out of the water fund shall be made to and by the treasurer of the Water Board, and all payments out of the fund shall be made in pursuance of an order of the Water Board signed by three members of the finance committee present at the meeting of the Board and countersigned by the clerk of the Board, and the same order may include several payments.

Moreover all cheques for the payment of money issued in pursuance of such order shall be countersigned by the clerk of the Board, or by a deputy approved by the Board.

(3) The Water Board shall from time to time appoint a finance committee for regulating and controlling their finance, and an order for the payment of a sum out of the water fund whether on account of capital or income shall not be made by the Water Board except in pursuance of a resolution of the Board passed on the recommendation of the finance committee, and any costs debt or

liability exceeding fifty pounds shall not be incurred except upon a resolution of the Board passed on an estimate submitted by the finance committee.

(4) The notice of the meeting at which any resolution for the payment of a sum out of the water fund (otherwise than for ordinary periodical payments), or any resolution for incurring any costs debt or liability exceeding fifty pounds, will be proposed, shall state the amount of the said sum, costs, debt, or liability and the purposes for which they are to be paid or incurred.

Power of certain local authorities to borrow.

21.—(1) The payment of any money payable by a local authority to the Water Board in respect of any waterworks and plant transferred to the authority by or under this Act or in respect of the right to supply water within any part of the area of the authority shall for purposes of borrowing be deemed to be expenses incurred by the authority in the execution of the Public Health Acts.

(2) The amount of money to be borrowed shall not be restricted by the limitation on borrowing contained in subsections (2) and (3) of section two hundred and thirty-four of the Public Health Act, 1875, and in calculating the amount which the local authority may borrow under the last-mentioned Act any money borrowed by the authority for the purposes of this Act shall not be reckoned.

Application of capital receipts.

22. Any money received by the Water Board from the Chamberlain of the City of London under this Act, or in respect of any waterworks and plant transferred from the Board by or under this Act, or as the proceeds of the sale of any land under this Act, and any other capital receipts of the Board, not applicable to any other purpose, shall be applied in such manner as the Local Government Board sanction towards any purpose for which money may be borrowed under this Act, or towards the discharge of any loan, or otherwise for any purpose for which capital money may be applied by the Water Board.

Arbitration.

23. [*Establishment of a Court of Arbitration and provisions as to arbitration. Spent.*]

Miscellaneous.

Subsidiary powers of Water Board.

24.—(1) The Water Board shall, for the purposes of their powers and duties under this Act or otherwise with respect to the supply of water within the limits of supply, have power—

- (a) to manage, alter, enlarge, and, with the consent of the Local Government Board, to alienate, any land or buildings transferred to them under this Act or otherwise vested in the Water Board; and
- (b) to acquire, hire, erect, and furnish such buildings and offices as they may require, whether within or without the limits of supply, and for that purpose to acquire purchase or take on hire or exchange land: Provided that nothing in this section shall authorise or empower the Board to acquire any waterworks or wells or to use any lands or any easements or any rights in or over lands acquired under the powers of this section for the purpose of obtaining water for public supply; and
- (c) to promote or oppose any bill in Parliament and prosecute or defend legal proceedings.

(2) For the purposes of this section, sections one hundred and seventy-six, one hundred and seventy-seven, and one hundred and seventy-eight of the Public Health Act, 1875,* shall, except so far as they relate to the acquisition of land otherwise than by agreement, apply as if they were herein re-enacted and in terms made applicable to the Water Board.

(3) The clerk of the Water Board or any officer or member thereof acting under a general or special resolution of the Board may authorise the institution and carrying on or the defence of any proceeding which the Board are authorised to institute, carry on, or defend. Any information or complaint under the provisions of this Act or any other Act, whether local or general, applying to the undertakings of the metropolitan water companies or of the Water Board, or any byelaws or regulations made thereunder, may be laid or made by an officer or member of the Water Board or by the clerk.

(4) The Superannuation (Metropolis) Act, 1866, shall apply to the Water Board as if the Board were an authority mentioned in that Act.

25.—(1) The Water Board shall cause to be made chemical and bacteriological examinations of and experiments as to the condition of the water to be supplied by them. Provisions for securing the supply of pure and wholesome water.

(2) The Water Board shall supply such buildings, apparatus, and plant, and such staff, and construct such works as may be required for enabling such examinations and experiments to be conducted efficiently.

(3) The persons employed by the Water Board to make examinations and experiments under this section shall periodically report to the Water Board the result of their examinations and experiments, and a copy of the report shall at the same time be sent to the water examiner.

(4) The Water Board shall take and record such observations as may be required by the Local Government Board.

(5) The water examiner shall, at all reasonable times, have free access to the works of the Water Board for the purpose of inspecting those works, and shall have all proper facilities for making such inspection.

26.—(1) If at any time by reason of the variation of population or the constitution or inclusion within the limits of supply of any borough or urban district it is proved to the satisfaction of the Local Government Board that the representation on the Water Board of any borough or district ought to be varied or that any borough or urban district within the limits of supply ought to be represented on the Water Board, the Local Government Board may make an order altering the representation of boroughs and urban districts and may by any such order alter the total number of members of the Board. Power of the Local Government Board to make provisional orders for certain purposes.

(2) The Local Government Board may by order on the application of the Water Board, include within the limits of supply any district which, having, as a rural district or as a part thereof, ceased to be within the limits of supply, has subsequently been made an urban district.

(3) The Local Government Board may by order make such adaptations in the provisions of any general or local Act relating

* See Appendix.

to the metropolitan water companies or any of them as may be necessary in consequence of the passing of this Act.

(4) An order under this section may contain any incidental, consequential or supplemental provisions which may appear to be necessary or proper for the purposes of the order, but shall be provisional only and shall not have effect unless confirmed by Parliament, and sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875,* shall, with the necessary modifications, apply to provisional orders under this section in like manner as they apply to provisional orders authorised to be made by the Local Government Board under that Act.

Provisions
as to local
inquiries.

27.—(1) The Local Government Board may hold such local inquiries as they think fit in relation to any matters to which their sanction, approval, or consent is required by this Act, and in relation to any other matters connected with their powers and duties under this Act.

(2) The expenses incurred by the Local Government Board in respect of any such inquiries and any other proceedings for the purposes of this Act shall be paid by the Water Board or by such authorities and persons and out of such funds and rates as the Local Government Board may by order direct, and that Board may certify the amount of the expenses so incurred, and any sum so certified and directed by that Board to be paid by the Water Board or by any authority or person shall be a debt from the Water Board, or from that authority or person, to the Crown.

(3) Such expenses may include the salary of any inspector or officer of the Local Government Board engaged in the inquiry or proceeding, not exceeding three guineas a day.

(4) The Local Government Board and their inspectors appointed by them to hold such inquiry as aforesaid shall have for the purposes of the inquiry the same powers as they respectively have for the purposes of an inquiry under the Public Health Act, 1875.

Annual
Report.

28. The Water Board shall make to the Local Government Board an annual report of their proceedings, and this report shall be laid annually before Parliament by the Local Government Board. The Water Board shall also give to the Local Government Board such returns, statistics, and information, with respect to the exercise of the powers of the Water Board, as the Local Government Board may require.

29. [*Providing for the dissolution of the metropolitan water companies other than the New River Company and the Staines Reservoirs Joint Committee as soon as compensation shall have been paid to them.*]

Provision as
to qualifi-
cation of
justices.

30. A justice of the peace shall not be incapable of acting in any case in which the Water Board are a party by reason only that as a ratepayer, water consumer, or holder of water stock or debenture stock, or as one of any other class of persons, he is liable to contribute to, or to be benefited by, the water fund.

Savings.

Saving of
right of
authorities
to be heard
against Bills.

31. Nothing in this Act shall affect the right of any council or other authority represented on the Water Board to be heard against any Bill or Provisional Order promoted or applied for by the Water Board.

* See Appendix.

32. Notwithstanding anything in this Act it shall not be lawful for the Water Board without the authority of Parliament to supply water in that part of the parish of Hendon which under the Colne Valley Water Act, 1873, is within the limits of supply of the Colne Valley Water Company.

Saving for
the Colne
Valley Water
Company.

33. Nothing contained in or done under this Act shall prejudice or affect any agreement between the South West Suburban Water Company and any metropolitan water company or any local authority or person made prior to the passing of this Act, for a supply of water within the statutory district of the South West Suburban Water Company, or shall authorise the Water Board to supply water within the limits of supply of the South West Suburban Water Company as defined by section four of the South West Suburban Water Act, 1883, except in pursuance of any such agreement.

Saving for
the South-
West Sub-
urban Water
Company.

34. The provisions of this Act shall not empower the Water Board or any local authority to supply water within the limits for the supply of water of the Sutton District Water Company, as defined by the Sutton District Waterworks Act, 1871, except so much thereof as was on the twenty-fifth day of March one thousand nine hundred and two supplied by the Company of Proprietors of Lambeth Waterworks.

Saving for
the Sutton
District
Water Com-
pany.

35.—(1) The Water Board shall not be entitled to supply water within so much of the urban district of Enfield as is comprised within the statutory limits of the Barnet District Gas and Water Company for the supply of water, but this restriction shall apply only if and so long as that Company are able and willing to supply water proper and sufficient for all reasonable purposes for which it is required by the Enfield Urban District Council, and the provisions as to the settlement of differences under section fifty-two of the Public Health Act, 1875,* shall apply.

Saving for
the Barnet
District Gas
and Water
Company.

(2) The provisions of this Act shall not empower the Water Board to supply water (unless with the consent of the Barnet District Gas and Water Company) within any part of the statutory limits of that Company for the supply of water in which a metropolitan water company were not authorised to supply water, except to such premises as at the appointed day may be actually supplied by the New River Company.

36. Notwithstanding anything in this Act it shall not be lawful for the Water Board to extend their supply of water, whether in bulk or otherwise, to or within so much of the Romford Rural District as is comprised within the statutory limits of the South Essex Waterworks Company, but this restriction shall apply only if and so long as that Company are able and willing to supply water proper and sufficient for all reasonable purposes for which it is required by the Romford Rural District Council, and the provisions relating to the settlement of differences under section fifty-two of the Public Health Act, 1875,* shall apply.

Saving for
the South
Essex
Waterworks
Company.

Definitions : Repeal : Short Title.

37. In this Act, unless the context otherwise requires,—
The expression “constituent authority” means a council, group of councils, or other body entitled to appoint one or more members of the Water Board :

Definitions.

* See Appendix.

The expression "undertaking" includes, in the case of any metropolitan water company, all rights of taking, distributing, and supplying water, and all other their rights, powers, authorities, and privileges, and all such property, real and personal, including cash balances, reserve funds, investments, and all other interests and rights in, to, and out of the property, real and personal, and obligations, and things in action, as may be in the possession of the company, or belonging to them, immediately before the appointed day, and all books, accounts, and documents relating thereto, but subject to all debts, liabilities, and obligations of the company by this Act transferred to the Water Board :

The expression "appointed day" means the twenty-fourth day of June one thousand nine hundred and four, or such other day as the Local Government Board may appoint, either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections, or for different authorities or different metropolitan water companies, but no day earlier than the said twenty-fourth day of June shall be appointed as respects any metropolitan water company, except with the consent of that company and the Water Board :

The expression "water consumer" means any person who is supplied with water by the Water Board, or who pays or is liable to pay, any money charged by that Board for or in respect of the supply of water, whether under the name of rent, rate, or otherwise :

The expression "debenture stock" means any debenture stock or debentures, the liability for which is transferred by this Act to the Water Board :

The expression "mortgage debt" means any debt secured by bond or otherwise, the liability for which is transferred by this Act to the Water Board :

The expression "shareholder" includes, in the case of the New River Company, the owners of and persons interested in the thirty-sixth parts or shares in the Adventurers' moiety of the undertaking of the New River Company and the thirty-sixth parts or shares in the King's moiety of that undertaking.

Repeal. 38. The enactments mentioned in the Fifth Schedule to this Act shall as from the appointed day be repealed to the extent specified in the third column of that schedule.

Short title. 39. This Act may be cited as the Metropolis Water Act, 1902.

Transitory Provisions.

40—43. [*Transitory provisions, as to the maintenance of the companies' undertakings till the appointed day—Enabling the companies to carry on business after the appointed day—Inspection by the Water Board of the companies' works, etc., and as to payment of dividends by the Water Board till discharge of the compensation.*]

Temporary
advances.

44.—(1) With a view to supply funds to the Water Board immediately on their entering on the undertakings of the metropolitan water companies, the Water Board may obtain advances of such sums of money as they may require for meeting their obligations and carrying on their business, provided that the total amount so

obtained shall not exceed five hundred thousand pounds, or such larger sum as the Local Government Board may sanction ; and the sums so advanced shall be charged on the water fund ; but it shall be the duty of the Water Board to repay any advance obtained under this section within five years from the date of obtaining the advance, and all interest thereon.

(2) The provisions of this Act as to borrowing, and the repayment of money borrowed shall not apply to advances under this section.

45. Subject to the provisions of this Act and without prejudice to any remedy over by the Water Board against any metropolitan water company—

Pending proceedings and existing contracts.

(a) if on the appointed day any proceeding or any cause of action is pending or existing by or against any metropolitan water company, the same shall not abate, be discontinued, or be in any way prejudicially affected by reason of the transfer to the Water Board of the undertaking of the company or of anything in this Act, but the proceeding or cause of action may be continued, prosecuted, and enforced by or against the Water Board as it might have been by or against the company if this Act had not been passed, but not further or otherwise ; and

(b) all contracts, deeds, bonds, agreements, and other instruments subsisting immediately before the appointed day, and affecting any metropolitan water company, shall be of as full force and effect against or in favour of the Water Board, and may be enforced as fully and effectually as if, instead of the company, the Water Board had been a party thereto :

Provided that nothing in this section shall affect any proceeding, cause of action, contract, deed, bond, agreement, or other instrument relating solely to any landed estate, houses, or property of the New River Company, or any debts, liabilities, or obligations of the company incurred solely in respect thereof, which, under the provisions of this Act, are not transferred to the Water Board.

46. All byelaws, rules, regulations, and scales of water charges made or enforceable by any metropolitan water company shall, so far as they are consistent with the provisions of this Act, continue in force with respect to the undertaking to which they relate, until repealed, altered, or superseded.

Saving for existing byelaws, etc.

47.—(1) Subject to the provisions of this Act every officer and servant of a metropolitan water company employed upon or in connexion with the undertaking immediately before the appointed day (in this Act referred to as “an existing officer” and “an existing servant”) shall, as from the appointed day, become an officer or servant of the Water Board and shall hold his office or situation by the same tenure and upon like terms and conditions under the Water Board as he would have held the same under the company if this Act had not been passed, and while performing the same duties shall receive not less salary, wages, or pay than he would have been entitled to if this Act had not been passed.

Existing officers and servants.

(2) Every existing officer and existing servant shall perform such duties in connexion with the water undertaking of the Water Board as they may be required to perform by the Board.

(3) The Water Board may abolish the office or situation of any existing officer or existing servant which they deem unnecessary, and any existing officer or existing servant required to perform

duties such as are not analogous, or which are an unreasonable addition to those which as an officer or servant of the company he was required to perform, may relinquish his office or service.

(4) Every existing officer or existing servant whose office is so abolished or who so relinquishes his office or service as aforesaid, or who otherwise suffers any direct pecuniary loss in consequence of this Act, shall be entitled to be paid by the Water Board compensation for such pecuniary loss, regard being had to the conditions on which his appointment was made, the nature of his office or employment, the duration of his services, and any other circumstances affecting the case.

(5) Subject to the provisions of this section, the provisions contained in section one hundred and twenty of the Local Government Act, 1888, relating to compensation to existing officers, shall apply to any claim for compensation by an existing officer or an existing servant with the substitution of references to the Water Board and water fund for references to the County Council and county fund.

(6) If within a period of five years after the appointed day the services of any existing officer or existing servant are dispensed with by the Water Board, because his services are not required, and not on account of misconduct or incapacity, or the salary of any such officer or servant is reduced on the ground that his duties have been diminished in consequence of the provisions of this Act, the officer or servant shall be deemed to have suffered direct pecuniary loss in consequence of this Act.

(7) Any person who on the appointed day is in receipt of a pension or other superannuation allowance from a metropolitan water company shall continue to receive from the Water Board the same pension or allowance unless he is guilty of grave misconduct, and any question whether he has been guilty of such misconduct shall in case of difference be determined by the Local Government Board.

[Part omitted (the Court of Arbitration to determine, on application by the Water Board within 3 months after the appointed day, questions as to pensions granted or increased by a company after the introduction of the Bill for this Act) spent.]

(8) In computing the time of service of any existing officer or existing servant for the purpose of determining the compensation to which he is entitled under this section, or of any annual allowance that may be awarded him by the Water Board under the provisions of the Superannuation (Metropolis) Act, 1866, as applied by this Act, the period during which he has been in the service of a metropolitan water company shall be included, and in the case of the following existing officers, viz., Isaac Adolphus Crookenden, the secretary, and William Booth Bryan, the engineer, of the East London Waterworks Company; Harry Wilkins, the secretary, and Thomas Farmer Parkes, the engineer, of the Company of Proprietors of Lambeth Waterworks, who were appointed to their office as specially qualified persons at an age exceeding that at which public service ordinarily begins, there shall be added to the number of years during which he has actually served, such number of years not exceeding twenty, as the Water Board or (on appeal) the Treasury may think just. Any such appeal to the Treasury shall be made within three months after the decision of the Water Board. The salary, compensation, or annual allowance to which James

William Restler, the engineer of the Southwark and Vauxhall Water Company, may become entitled under this Act, shall be calculated on the basis of the average amount received by him during the five years next before the passing of this Act by way of emoluments, salary, and percentage on the cost of new works. The compensation or annual allowance to which Walter Hunter, the engineer of the Grand Junction Waterworks Company, may become entitled under this Act, shall be two thirds of the average amounts received by him for salary and emoluments during the five years next before the passing of this Act.

(9) If Sir William Crookes and Professor James Dewar, or either of them are, or is, immediately before the appointed day, employed in making examinations of and experiments as to the condition of water on behalf of the metropolitan water companies, they, or he, shall as from that date be transferred to the Water Board, and shall for the purpose of compensation be deemed existing officers or an existing officer within the meaning of this section.

(10) Every existing officer or existing servant not entitled to compensation under this section, who becomes incapable of discharging the duties of his office with efficiency, by reason of permanent infirmity of mind or body, or who has attained the age of sixty years, or who, having been in the service of a metropolitan water company for a period of not less than five years, is dismissed by the Water Board on any ground other than misconduct, shall, upon his resigning or otherwise ceasing to hold office, be entitled to a superannuation allowance upon the terms and conditions and according to the scale specified in the Superannuation (Metropolis) Act, 1866, as applied by this Act.

48—49. [*As to compensation to the directors of the companies and the auditor of the companies' accounts.*]

50. [*Transitory provisions as to supply of water in bulk to the council of any borough or urban district which under this Act ceases to be within the limits of supply.*]

51. [*Power to the Local Government Board to remove difficulties as to the establishment of the Water Board or the appointment of the first members thereof or as to the first meeting thereof. Spent.*]

52. [*Provisions as to stamp duty on transfer.*]

53. [*As to expenses of obtaining this Act. Spent.*]

SCHEDULES.

FIRST SCHEDULE.

METROPOLITAN WATER COMPANIES.

The Governor and Company of the New River brought from Chadwell and Amwell to London, commonly called the New River Company.

The East London Waterworks Company.

The Southwark and Vauxhall Water Company.

The Company of Proprietors of the West Middlesex Waterworks.

The Company of Proprietors of Lambeth Waterworks.

The Governor and Company of Chelsea Waterworks.

The Grand Junction Waterworks Company.

The Company of Proprietors of the Kent Waterworks.

The Staines Reservoirs Joint Committee.

SECOND SCHEDULE.

DESCRIPTION OF THE LIMITS OF SUPPLY.

The parishes and places in which at the appointed day any of the metropolitan water companies are authorised to supply water, and the parishes of Sunbury and Chessington.

THIRD SCHEDULE.

CONSTITUTION AND PROCEEDINGS OF WATER BOARD.

1. The chairman or vice-chairman need not be appointed from amongst the members of the Water Board, but if a member of the Board is appointed chairman or vice-chairman the appointment shall not create a casual vacancy.

2. A person shall be disqualified for being appointed or being a member of the Water Board if he—

(a) holds any paid office under the Water Board save as permitted by this Act; or

(b) is concerned in any bargain or contract entered into with the Water Board or participates in the profit of any such bargain or contract or of any work done under the authority of the Board;

Provided that a person shall not be disqualified for being appointed or being a member of the Board by reason of being interested—

(a) in the sale or lease of any lands or in any loan of money to the Board, or in any contract with the Board for the supply from land, of which he is owner or occupier, of water, or materials for work done by or under the authority of the Board; or

(b) in any newspaper in which any advertisement relating to the affairs of the Board is inserted; or

(c) in any bargain or contract with the Board as a shareholder in any company; but he shall not vote at any meeting of the Board on any question in which such company are interested.

3. *[Directors of any metropolitan water company to be disqualified from being members of the Water Board till the compensation payable to the company is determined. Spent.]*

4. If a person appointed to be a member of the Water Board is a member of the Council or one of the Councils by whom he is appointed, he shall, if he ceases for two months to be a member of that Council, at the end of that period vacate his office as member of the Water Board.

5. The member appointed by the Conservators of the River Thames, shall be a Conservator appointed by the County Councils of Gloucestershire and Wiltshire, or by the County Councils of Oxfordshire, Berkshire, or Buckinghamshire, or by the Council of the County Borough of Oxford or Reading.

6. *[Members of the Board appointed by the Thames and Lee Conservators not to vote or act in any question as to the transfer of any undertaking to the Board under this Act. Spent.]*

7. A person shall be disqualified for being a member of the Board if he is convicted either on indictment or summarily of any crime, and sentenced to imprisonment with hard labour without the option of a fine, or to any greater punishment, or is adjudged bankrupt, or makes a composition or arrangement with his creditors.

8. A member appointed by a constituent authority consisting of a group of councils shall be appointed by those councils acting through a joint committee.

9. Subject to any variation of representation according to the provisions of this Act the joint committees for appointing members of the Water Board shall be constituted as follows:—

(i) The joint committee of the Councils of the Urban Districts of Buckhurst Hill, Chingford, Loughton, Waltham Holy Cross, Wanstead, and Woodford shall consist of twelve members, of whom one shall be appointed by each of the Councils of the Urban Districts of Buckhurst Hill, Chingford, and Loughton, two by the Council of the Urban District of Waltham Holy Cross, three by the Council of the Urban District of Wanstead, and four by the Council of the Urban District of Woodford.

(ii) The joint committee of the Councils of the Urban Districts of Beckenham, Bromley, Chislehurst, Penge, Bexley, Dartford, Erith, and Footscray shall consist of twenty members, of whom four shall be appointed by each of the Councils of the Urban Districts of Beckenham and Bromley, three by each of the Councils of the Urban Districts of Erith and Penge, two by each of the Councils of the Urban Districts of Bexley and Dartford, and one by each of the Councils of the Urban Districts of Chislehurst and Footscray.

(iii) The joint committee of the Councils of the Borough of Ealing and of the Urban Districts of Acton and Chiswick shall consist of eight members, of whom three shall be appointed by the Council of the Borough of Ealing, three by the Council of the Urban District of Acton, and two by the Council of the Urban District of Chiswick.

(iv) The joint committee of the Councils of the Urban Districts of Brentford,

Hampton, Hampton Wick, Hanwell, Heston and Isleworth, Sunbury, Teddington, and Twickenham shall consist of twenty-one members, of whom one shall be appointed by each of the Councils of the Urban Districts of Hampton Wick and Sunbury, two by each of the Councils of the Urban Districts of Hampton and Hanwell, three by each of the Councils of the Urban Districts of Brentford and Teddington, four by the Council of the Urban District of Twickenham, and five by the Council of the Urban District of Heston and Isleworth.

- (v) The joint committee of the Councils of the Urban Districts of Edmonton, Enfield, and Southgate shall consist of five members, of whom two shall be appointed by each of the Councils of the Urban Districts of Edmonton and Enfield and one by the Council of the Urban District of Southgate.
- (vi) The joint committee of the Councils of the Urban Districts of Hornsey and Wood Green shall consist of seven members, of whom five shall be appointed by the Council of the Urban District of Hornsey and two by the Council of the Urban District of Wood Green.
- (vii) The joint committee of the Councils of the Borough of Kingston and the Urban Districts of East and West Molesey, Esher and the Dittons, Ham, Surbiton, Barnes, the Maldens and Coombe, and Wimbledon shall consist of thirty-three members, of whom seven shall be appointed by the Council of the Borough of Kingston, ten by the Council of the Urban District of Wimbledon, four by each of the Councils of the Urban Districts of Barnes and Surbiton, three by the Council of the Urban District of Esher and the Dittons, two by each of the Councils of the Urban Districts of East and West Molesey and the Maldens and Coombe, and one by the Council of the Urban District of Ham.

10. A joint committee may act notwithstanding any vacancy in the committee, and notwithstanding that a council is wholly unrepresented thereon.

11. The Local Government Board may make regulations as to the constitution, term of office, quorum, proceedings, officers, and place of meeting of a joint committee.

12. Subject to the provisions of this schedule the term of office of chairman and of vice-chairman shall be three years, and the term of office of a member of the Board shall be three years.

13. On the first day of June one thousand nine hundred and seven and on the first day of June in every third year thereafter, all the members of the Board shall go out of office, and their places shall be filled by new appointments, to be made at such time as may be prescribed by regulations made by the Local Government Board, but a person going out of office may, if otherwise qualified, be reappointed.

14. The first business at the first meeting of the Water Board after the first day of June one thousand nine hundred and seven, and at the first meeting after the first day of June in every third year thereafter shall be the new appointment of a chairman and vice-chairman, but a person going out of office may, if otherwise qualified, be re-appointed, and a chairman or vice-chairman shall continue in office until his successor is appointed.

15. If a member of the Water Board is absent from meetings of the Board for more than six months consecutively, except for some reason approved by the Water Board, he shall on the expiration of those months vacate his office, and shall also, if he is the chairman or vice-chairman, vacate his office as chairman or vice-chairman.

16. Where the chairman or vice-chairman or a member of the Water Board becomes disqualified for holding office or vacates his office from absence, or otherwise, the Board shall forthwith declare the office to be vacant, and shall notify the fact in such manner as they think fit, and thereupon the office shall become vacant.

17. On a casual vacancy occurring in the Water Board by reason of the death, resignation, disqualification, or absence of a member, or otherwise, the constituent authority by whom that member was appointed shall appoint another person in his place, and the person so appointed shall hold office until the time when the person in whose place he is appointed would have regularly gone out of office, and shall then go out of office.

18. On a vacancy occurring or being about to occur in the Water Board the clerk of the Water Board shall immediately give notice of the vacancy to the constituent authority by which the vacancy is to be filled, and on a person being appointed a member of the Water Board the appointing authority shall forthwith give notice of the appointment to the Water Board, or in the case of a first appointment to the Local Government Board.

19. On a casual vacancy occurring in the office of chairman or vice-chairman of the Water Board by reason of the death, resignation, disqualification, or absence of the chairman or vice-chairman, or otherwise, the person appointed in his place shall hold office until the time when the person in whose place he is appointed would regularly have gone out of office and shall then go out of office.

20. At every meeting of the Water Board, the chairman, if present, shall preside. If the chairman is absent, the vice-chairman, if present, shall preside. If both the chairman and vice-chairman are absent, such member of the Board as the members then present choose shall preside.

21. Subject to the provisions of this Act, every question at a meeting of the Water Board shall be decided by a majority of votes of the members present and voting on that question, and in the case of equality of votes, the person presiding at the meeting shall have a second or casting vote.

22. The quorum of the Water Board shall be one-third of the whole number of the Board.

23. The Water Board may appoint, out of their own body, such and so many committees, either of a general or special nature, and consisting of such number of persons as they think fit for any purposes which, in the opinion of the Board, would be better regulated and managed by means of committees, and may delegate, with or without any restrictions or conditions, as they may think fit, any of their powers or duties, except any power of raising money, to any committee of the Board so appointed, and the provisions of section eighty-two of the Local Government Act, 1888, with respect to proceedings of committees of county councils, shall apply to committees of the Water Board, as if they were committees of a county council.

24. A minute of the proceedings of the Water Board, or of a committee thereof, signed at the same or the next ensuing meeting by a member of the Board describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

25. Until the contrary is proved, every meeting in respect of the proceedings whereof a minute has been so made shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and, where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matter referred to in the minutes.

26. Subject to the provisions of this Act, the Water Board may regulate their own procedure.

27. No act or proceeding of the Water Board shall be questioned on account of any vacancy in their body, or on account of the appointment of any member having been defective.

28. [*The Local Government Board to take the necessary steps for constituting the Water Board, for summoning the first meeting of the Water Board and regulating the proceedings thereat. Spent.*]

FOURTH SCHEDULE.

[*Provisions as to liquidation of the companies' affairs, and dissolution of the companies other than the New River Company.*]

FIFTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Vict. c. 84.	The Metropolis Water Act, 1852.*	Sections fifteen, nineteen, twenty, twenty-one, twenty-two, and twenty-seven, so far as unrepealed.
34 & 35 Vict. c. 113.	The Metropolis Water Act, 1871.*	Sections thirty-seven to forty-two and section forty-seven from "or to authorise" to the end of the section.
47 & 48 Vict. c. cxli.	Croydon Corporation Act, 1884.	Sections eleven and twelve.

* See Appendix.

CHAPTER XXXVI.

* AN ACT TO MAKE PROVISION WITH RESPECT TO SUPERANNUATION AND OTHER ALLOWANCES GRANTED OR TO BE GRANTED BY THE SCHOOL BOARD FOR LONDON AND FOR OTHER PURPOSES.

[23rd June 1902.]

[*Preamble recites (inter alia) that the School Board for London (hereinafter referred to as "the School Board") was constituted under the provisions of the Elementary Education Act 1870; and that the School Board on the 29th July and on the 5th August 1886 passed certain resolutions (hereinafter referred to as "the scheme of 1886") for the establishment of a scheme for superannuation allowances for the benefit of their officers and teachers, and the said scheme provided for liability on the part of the School Board with respect to such allowances, and that such liability should arise on an Act being obtained from Parliament empowering the School Board in that behalf; and that the School Board on the 26th January 1888 passed the following resolution (namely):*

(1) *That the "Scheme of Superannuation Allowances for all Servants of the School Board for London," as approved by the Board on the 29th July and the 5th August 1886, be put into operation as regards all officers in the permanent employment of the Board, with the exception of the teachers in day schools, as from the 25th March 1888;*

(2) *That the "Scheme of Superannuation Allowances for all Servants of the School Board for London" as approved by the Board on the 29th July and 5th August 1886 be also put into operation as regards all teachers in day schools in the permanent employment of the Board as from the 25th March 1888, but in case powers are not obtained from Parliament within two years enabling the Board to guarantee the superannuation fund and pay the expense attending it, the amounts deducted be repaid less the cost of management;*

and recites that the said last-mentioned period of 2 years was extended to 5 years by resolution of 21st March 1889; that the said parliamentary powers were not obtained by the School Board within the said term of 5 years; and that the School Board on the 22nd March and on the 23rd March 1893 passed further resolutions to the following effect (hereinafter referred to as "the scheme of 1893") (that is to say):—

(i) *That every officer appointed on and after the 25th March 1893 be appointed subject to a deduction of 2 per cent. from his or her salary, the amount so deducted to be carried forward to the account of the superannuation fund;*

(ii) *That every teacher now in the service of the Board be given the option until the 25th March 1893 of joining the superannuation fund, subject to the condition stated in Resolution No. 1. In the case of every teacher joining the superannuation fund on or before the 25th March 1893, the term of service under the Board for the purpose of superannuation allowances shall be reckoned as from the date of his or her original appointment as a permanent teacher. And that no teacher now in the service of the Board who passes from*

* See 2 Edw. 7, c. 42, s. 5, and 3 Edw. 7, c. 24.

one appointment to another shall be deemed a new teacher for the purpose of being subject to deductions from his salary without his consent :

- (iii) *That no teacher now in the service of the Board be permitted to join the fund after the 25th March 1893 except by way of reappointment under Resolution No. 1, in which case the term of service under the Board for the purpose of calculating superannuation allowances be reckoned as from the date of such reappointment :*
- (iv) *That in the case of every teacher now in the service of the Board who is not desirous of joining the superannuation fund under the conditions stated in Resolution No. 2 the amount already contributed to the fund be repaid, together with its accumulated interest, less the deduction of actual management expenses, upon condition that a receipt is given abandoning all farther claims upon the fund ;*
- (v) *That the Board should continue their application to Parliament for authority (A) to defray the expenses of the management of the superannuation fund and (B) to guarantee the safe keeping of the same, but would make no contribution to the benefits or ensure the solvency of the fund ;*
- (vi) *That pending the receiving of parliamentary powers the Board should administer the superannuation fund upon the advice and recommendation of a committee, and that the scale of benefits under the scheme of 1886 on superannuation should be suspended till the grant of such parliamentary powers, and that such committee should be empowered after actuarial advice to substitute therefor such a scale of benefits as the fund might be able to provide ;*
- (vii) *That the said scheme of 1893 be put into operation as from the 25th March 1893 for all officers of the Board who should at that date be entitled to claim superannuation allowances ;*

and recites that in August 1898 an Act was passed with the short title the Elementary School Teachers (Superannuation) Act 1898, under which an option was given to all teachers appointed before the commencement of the Act of accepting the Act, but which applied compulsorily to all teachers subsequently appointed ; and that consequent on the above recited Act the School Board on the 13th October 1898 passed a resolution rescinding the scheme of 1893 so far as it referred to the future appointment of teachers ; and that the School Board on the 27th October 1898 and on the 23rd February 1899 passed resolutions to the effect that no person who enters the service of the Board on or after the 13th October 1898 and is not eligible to come under the Elementary School Teachers (Superannuation) Act 1898 shall be required to contribute to any existing fund for superannuation, but that he or she be informed as a condition of his or her engagement that he or she may be required to contribute to any scheme of superannuation which the Board may hereafter adopt ; and that the School Board on the 8th February 1900 passed the following resolutions (namely) :—

- (1) *That the Board take steps to grant all teachers who are contributors to the Board's superannuation fund the option of withdrawing from the fund and taking out their contributions without interest ;*

- (2) *That the finance committee be instructed before taking any action on the preceding resolution to ascertain in such manner as they may be advised from all the contributors to the superannuation fund whether they assent to or dissent from this proposal;*

and that a circular letter was on or about the 9th April 1900 addressed by the clerk of the School Board to every contributor to the superannuation fund stating that the Board had come to the conclusion that it was desirable that the superannuation fund should be equitably divided into two funds, one for the non-teaching staff and the other for the teaching staff, each of the new funds to take over the liabilities to the respective annuitants belonging to the respective classes, and the existing assets of the fund (including the interest) to be equitably divided between the two classes of contributors, and requesting each contributor to signify assent or dissent to the proposal; and that the School Board on the 10th May 1900 passed the following resolution (namely):—

That having regard to the fact that 94 per cent. of the contributors to the superannuation fund have assented to the proposal contained in the circular letter dated the 9th April 1900, the Board hereby resolve that the existing superannuation fund be divided into two funds, the one to include members of the non-teaching staff and the other to include members of the teaching staff, that each of the new funds take over the liabilities to the respective annuitants belonging to the respective classes, and that the existing assets of the fund be divided equitably between the two classes of contributors, the basis of division to be referred to the arbitration of Mr. Archibald Hewat, the actuary who made the last valuation of the fund, and that all the employes of the Board who are members of the fund be notified that from this date they will hold their appointments subject to such resolution;

and that the School Board on the 26th July 1900 passed the following resolutions (namely):—

- (1) *That having regard to the fact that over 93 per cent. of the contributors to the superannuation fund who belong to the teaching staff have in reply to the question contained in the circular letter dated the 22nd May 1900 expressed their desire to withdraw from the fund and to take out their contributions without interest, the Board in order to give effect to this desire hereby resolve to pay such contributors the amount of their contributions without interest, and that all the contributors to the teachers' superannuation fund be notified that from this date they will hold their appointments subject to this resolution;*

- (2) *That the finance committee be and they are hereby authorised to take the necessary steps to carry out this resolution;*

and recites that an action was commenced on the 14th June 1900 in the Chancery Division of the High Court of Justice entitled "Borall and Pope v. School Board for London"; and that an action was commenced on the 3rd July 1900 in the Chancery Division of the High Court of Justice entitled "Christian and others v. School Board for London and others"; and that on or about the 3rd July 1901 judgment was given in both actions declaring in effect—

- (1) *That the scheme of 1886 ceased and came to an end in March 1893;*

- (2) *That the plaintiffs in the action of "Boxall v. The School Board" were employed by the School Board on the terms of the scheme of 1893 ;*
- (3) *That the scheme of 1893 was a valid scheme for the formation of a superannuation fund by deductions made from the salary of such officers and teachers as were employed by the Board on the terms of such deductions being made ;*
and that the said judgment left open the question whether the School Board were entitled to divide the superannuation fund under the above recited resolution on the 10th May 1900 ; and that the School Board have in accordance with their resolution of the 10th May 1900 divided the superannuation fund into two funds entitled respectively the teachers' fund and the officers' fund, and it is desirable that such division of the funds should be confirmed ; and that it is desirable that the School Board should be empowered to return to such of the contributors to the teachers' fund as may desire it their contributions and to continue to administer the balance of that fund as at present ; and that it is desirable that the officers' fund should be reconstituted in manner provided by this Act and the scheme scheduled hereto.]

Short title.

1. This Act may be cited as the School Board for London (Superannuation Scheme) Act 1902.

Interpretation.

2. In this Act—

The term "school fund" has the same meaning as in the Elementary Education Act 1870 : [See 2 Edw. 7, c. 42, 3rd Sch. par. (2).]

The term "officers" includes all officers and servants appointed by resolution of the School Board (except such as are or shall be exempt by resolution of the Board from contributing to the superannuation fund and except certificated teachers who are acting in any capacity mentioned in the definition of "recorded service" contained in section 1 (5) of the Elementary School Teachers' (Superannuation) Act 1898, and also all persons now in receipt of a superannuation allowance from the officers' fund and all other such persons as the Board may from time to time by resolution allow to contribute to the officers' fund :

Provided that any certificated teacher who at the date of the passing of this Act is serving in the capacity of inspector or superintendent under the School Board and is a contributor to the officers' fund or who shall hereafter by special resolution of the School Board be allowed to contribute to such fund shall be included in the term "officer" Provided also that the service of such inspector or superintendent shall not be "recorded service" under section 1 (5) of the Elementary School Teachers' (Superannuation) Act 1898.

Division of existing superannuation fund.

3. The division made by the School Board of the existing superannuation fund into two funds called respectively the teachers' fund and the officers' fund is hereby confirmed.

Provision as to teachers' fund.

4. The School Board shall repay to such of the contributors to the teachers' fund who were in the service of the School Board on the 26th day of July 1900 as may desire to withdraw therefrom all their contributions to that fund without interest The balance of such fund after repayment as aforesaid shall be administered till

the determination of all the existing interests therein in the same manner as before the passing of this Act.

5. The existing officers' fund shall remain vested in the School Board but shall be re-constituted in accordance with the provisions of this Act and of the scheme set forth in the schedule to this Act. All moneys carried to the credit of the officers' fund may be from time to time invested by the School Board in any securities in which trustees are for the time being authorised by law to invest trust moneys. Officers' fund.

6. Subject to the provisions of this Act and of the scheme in the schedule to this Act the officers' fund shall be administered by the School Board through a committee consisting of four representatives appointed by the School Board and four representatives to be elected by the officers. Administration of officers fund.

The School Board shall determine the mode of appointment and of election of representatives their tenure of office and all relative matters and shall appoint a chairman of the committee who must be a member of the Board.

The quorum for a meeting of the committee shall be three and in the case of equality of votes on any question the chairman of the committee or the chairman for the day shall have a second or casting vote.

All costs and expenses of such administration shall be paid out of the school fund.

7. The full scale of superannuation allowances for officers shall be as follows :— Scale of superannuation allowances.

After ten years' service	-	-	$\left\{ \begin{array}{l} \frac{10}{60} \text{ of the salary or wages} \\ \text{at date of retirement.} \end{array} \right.$
After eleven years' service	-	-	$\left\{ \begin{array}{l} \frac{11}{60} \text{ of the salary or wages} \\ \text{at date of retirement.} \end{array} \right.$
And so on up to a maximum after			$\left\{ \begin{array}{l} \frac{40}{60} \text{ of the salary or wages} \\ \text{forty or more years' service of -} \end{array} \right.$
			$\left\{ \begin{array}{l} \text{at date of retirement.} \end{array} \right.$

8.—(1) A valuation shall be made of the officers' fund once in every three years by an actuary appointed by the School Board the first valuation to be made in the month of March 1903. Valuation of officers' fund.

(2) It shall be the duty of the actuary to ascertain and state in each valuation—

(A) The amount of the officers' fund and the probable claims upon it during the period of the ensuing three years ;

(B) Having regard to his findings on those questions the proportion of the full scale of superannuation allowances which in his opinion can be safely paid out of the fund in respect of claims during the period of the ensuing three years.

(3) Such valuation and statement shall be final during that period and no officer shall be entitled to receive out of the officers' fund a larger superannuation allowance than that granted to him in accordance with the valuation and statement upon which his allowance shall be based.

9. It shall be lawful for the School Board to pay out of the school fund to any person now receiving a superannuation allowance from the officers' fund and to any officer becoming entitled to a superannuation allowance an amount equal to that allowance. Provided that— Payment from school fund in aid of superannuation allowance.

- (A) The amounts payable to any officer from the officers' fund and the school fund shall not together exceed the full scale superannuation allowance applicable to his case ;
- (B) Where the amount of superannuation allowance payable from the officers' fund together with an equal amount from the school fund would exceed the full scale allowance as aforesaid the payment from the school fund shall be limited to the amount which would be required to make up such full allowance ;
- (C) In the case of any person now receiving a superannuation allowance no payment shall be made to such person out of the school fund in respect of any period prior to the passing of this Act.

Power of School Board to grant gratuities in certain cases.

10. It shall be lawful for the School Board in the cases and subject to the provisions specified in the scheme in the schedule to this Act to grant gratuities to officers out of the school fund.

Power to alter scheme.

11. It shall be lawful for the School Board subject to the provisions of this Act to alter from time to time the scheme set out in the schedule to this Act or any part thereof. But no contributor or representative of a contributor to the officers' fund shall by reason of any such alteration be placed in a worse position than if the alteration had not been made.

12. [*Expenses of obtaining this Act. Spent.*]

SCHEDULE.

SCHEME OF SUPERANNUATION.

Definition of officer.

1. In this scheme the term "officers" has the meaning assigned to it by the foregoing Act.

Title of officers to superannuation allowance.

2. Subject to the provisions of this scheme every officer who has been in the service of the Board at least ten years and who is either (1) more than sixty years of age or (2) not being more than sixty years of age is disabled by permanent infirmity of mind or body shall be entitled on retirement or otherwise ceasing to hold his office or employment to receive during life out of the officers' fund a superannuation allowance of the amount authorised by the provisions of the foregoing Act and of this scheme.

Power to require resignation of officer.

3. When an officer has attained the age of sixty-five years and the School Board are of opinion that it would be expedient in the interests of the public service that he should cease to hold his office or employment it shall be competent for them to require him to retire upon payment to him of the superannuation allowance and addition to which he may be entitled under the foregoing Act and this scheme.

Power to add a number of years in certain cases.

4. In the case of any officer in the service of the Board before the passing of the Act having professional or other peculiar qualifications who shall have been appointed to his office when over the age of thirty years a number of years not exceeding ten may in computing the amount of superannuation allowance be added to the years of actual service. In the case of any officer appointed after the passing of the Act having like qualifications and appointed when over the age of thirty years the School Board may on the appointment make provision that a like number of years shall in computing the amount of superannuation allowance be added to the years of actual service.

Forfeiture in case of fraud or misconduct.

5. An officer who is dismissed or resigns or otherwise ceases to hold office in consequence of any offence of a fraudulent character or of misconduct shall forfeit all claim to any superannuation allowance under the provisions of this scheme in respect of his previous service provided that in the case of any such officer the School Board may if they see fit return to him out of the officers' fund a sum equal to the amount of all or part of his contributions under this scheme.

6. An officer who has not become entitled to a superannuation allowance and who loses his office or employment by reason of a reduction of staff or otherwise ceases to hold his office or employment by reason of bodily injury not occasioned by his own default or of any other cause whatever other than his own misconduct or voluntary resignation shall be entitled to receive out of the officers' fund a sum equal to the amount of his contributions but if he has received back the amount of his contributions under this section and subsequently obtains a fresh office or employment under the School Board he shall not be entitled to reckon his previous service as part of his service under this scheme unless upon obtaining such fresh office or employment he repays the amount so received to the officers' fund together with simple interest at the rate of 3 per cent. per annum from the date of withdrawal.

Return of contributions and power to grant gratuities and superannuation allowances in certain cases.

In any such case of loss of office or employment as aforesaid the School Board may also if they see fit grant to the officer a gratuity payable in equal moieties out of the officers' fund and the school fund and not exceeding three months' pay for every two years of service.

Provided that when such loss of office or employment occurs in a case in which the death resignation or insanity of one of the holders of a joint appointment vacates the office of the other the officer whose office or employment is so vacated shall unless re-appointed by the School Board and except where in the case of husband and wife the joint appointment is terminated owing to the misconduct of one of them be entitled to receive during life a superannuation allowance according to the scale laid down in the foregoing Act if such officer has attained the age of fifty years or has served for not less than twenty years.

"Joint appointment" includes for the purposes of this schedule any office the tenure whereof is determined by the death removal resignation or incapacity of the holder of another office under the School Board.

7. At least one month's notice in writing shall be given to every member of the School Board of the time at which any proposal to add a number of years to the number of years which an officer has actually served or of any proposal to return contributions to an officer who has been dismissed or required to resign will be considered.

Notice of proposed grant of allowance.

8. Every superannuation allowance and addition granted under the provisions of the foregoing Act and of this scheme shall be payable to or in trust for the officer and shall not be assignable or chargeable with his debts or other liabilities.

Allowances not assignable.

9. Subject to the provisions of this schedule every officer in the service or employment of the School Board shall contribute annually for the purpose of this schedule 2 per cent. of the amount of his salary or wages such amount to be from time to time deducted from the salary or wages payable to him and to be carried to the credit of and form part of the officers' fund.

Obligation of officers to contribute and scale of contribution.

10. The Board of Education may if they think fit determine or may appoint an arbitrator to determine any question which may arise between the School Board and any officer as to the right to or the amount of superannuation allowance of such officer and the decision of the Board of Education or of such arbitrator as the case may be shall be binding and conclusive.

Power to Education Board or arbitrator to decide questions.

Any costs for which the Board may be liable in respect of such proceedings shall be deemed to be and form part of the costs and expenses of the administration of the officers' fund.

CHAPTER CLXIV.

AN ACT TO REGULATE THE EXPENDITURE OF MONEY BY THE LONDON COUNTY COUNCIL ON CAPITAL ACCOUNT DURING THE CURRENT FINANCIAL PERIOD AND THE RAISING OF MONEY TO MEET SUCH EXPENDITURE.

[31st July 1902.]

[Preamble.]

1. This Act may be cited for all purposes as the London County Council (Money) Act 1902 and the London County Council (Money) Acts 1875 to 1901 and this Act may be cited together as the London County Council (Money) Acts 1875 to 1902.

Short title.

2. This Act shall subject to the provisions thereof be read and have effect as one with the Metropolitan Board of Works (Loans)

Construction of Act.

Acts 1869 to 1871 and the London County Council (Money) Acts 1875 to 1901 :

But all consolidated stock created by the Council shall be charged upon the county rate in substitution for the consolidated rate.

3. In and for the purposes of this Act—

The expression “the Council” shall mean the London County Council ;

The expression “metropolitan borough council” shall mean the council for a metropolitan borough constituted under the London Government Act 1899 and includes the Council for the city of Westminster ;

The expression “the financial year” shall mean the period from the first day of April one thousand nine hundred and two to the thirty-first day of March one thousand nine hundred and three both dates inclusive ;

The expression “the following six months” shall mean the period from the first day of April one thousand nine hundred and three to the thirtieth day of September one thousand nine hundred and three both dates inclusive ;

The expression “the financial period” shall mean the financial year and the following six months.

[Part omitted (definition of “Main Drainage Acts”) spent.]

4—5. [Power to the Council during the financial period to expend money for sundry purposes. Spent.]

6.

(iii) Money borrowed from and lent by the Council under this section shall be repaid to the Council with interest within such time after the borrowing as the borrowers with the consent of the Local Government Board or the Treasury as the case may be where such consent is necessary to the borrowing and the Council with the approval of the Treasury shall agree. Provided that the time after the borrowing within which such money shall be repaid to the Council shall not exceed in the case of loans to the managers of district schools and asylums sixty years and in all other cases the following periods viz. in the case of a loan for the purpose of improvements in relation to streets or bridges or for the purpose of purchase of land in fee simple or for the purposes of the Housing of the Working Classes Act 1890 or for the purpose of financial adjustments under the London Government Act 1899 sixty years for electric lighting purposes fifty years and for any other purpose thirty years.

[Part omitted (power to the Council during the financial period to lend to metropolitan borough councils and other public bodies in London) spent.]

7. [Power to the Council during the financial period to lend to boards of guardians in London. Spent.—Provision as to repayment. Identical with such provision in 61 & 62 Vict. c. ccxxii. s. 7.]

8. [Power to the Council during the financial period to lend to the Managers of the Metropolitan Asylum District. Spent.]

9. [Power to the Council during the financial period to lend to the School Board for London. Spent.—Provision as to repayment. Superseded by 2 Edw. 7, c. 42, s. 5, and 2nd Schedule, and 3 Edw. 7, c. 24. See also the Public Works Loans Act 1905, s. 3. (See Appendix.)]

Interpreta-
tion.

Power to
lend to
metropolitan
borough
councils cor-
porations or
other public
bodies.

10. [*Protection of the Council in case of certain loans. Identical with 54 & 55 Vict. c. 62, s. 13.*]

11. Money lent by the Council under the powers of this Act during the six months ending the thirtieth day of September one thousand nine hundred and three shall be lent on account of the financial year ending the thirty-first day of March one thousand nine hundred and four. As to money lent by Council in certain cases.

12. [*Power to the Council to raise consolidated stock. Identical with 62 & 63 Vict. c. ccxxxviii. s. 14.*]

13. [*Repayment of moneys lent by the Council. Identical with 62 & 63 Vict. c. ccxxxviii. s. 15.*]

14.

All stock created under the powers of this section shall form part of and rank equally with the consolidated stock created under the powers of the London County Council (Money) Acts 1896 to 1901 and shall also rank equally with all consolidated stock created under the powers of any subsequent Act if the same be thereby declared to rank equally with consolidated stock created under the powers of this section. New redeemable consolidated stock.

[*Part omitted identical with 59 & 60 Vict. c. ccxiv. s. 14, down to the words "sinking fund in respect of such stock."*]

15. [*As to the employment of money of the Consolidated Loans Fund. Identical with 59 & 60 Vict. c. ccxiv. s. 15.*]

16. [*As to the investment of money of the Consolidated Loans Fund. Identical with 59 & 60 Vict. c. ccxiv. s. 16.*]

17. [*Power to the Council after the issue of stock to apply money raised by stock to make up dividends from fixed periods. Spent.*]

18. [*As to conversion of stock. Identical with 59 & 60 Vict. c. ccxiv. s. 18.*]

19. [*The limitation on the borrowing power of the Council contained in s. 38 of 32 & 33 Vict. s. 102 not to extend to money raised under this Act.*]

20. [*Limit to exercise of borrowing powers by the Council during the financial period. Spent.*]

21. [*Incorporation of ss. 27—43 of 48 & 49 Vict. c. 50. Identical with 59 & 60 Vict. c. ccxiv. s. 21.*]

22. [*Application of s. 22 of 1 Edw. 7, c. lxxxvii. to this Act. See note on that section.*]

23. [*Provisions as to raising money by bills. Spent.*]

24. [*Application of ss. 8—11 of the Forgery Act 1861 * to London County bills. Identical with 61 & 62 Vict. c. ccxxii. s. 24.*]

25. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . As to payments under this Act.
[*Part omitted (as to expenses of obtaining this Act) spent.*]

SCHEDULE. [*Particulars of purposes for which moneys may be raised under this Act, and of the sums authorised to be raised for such purposes. Spent.*]

* See Appendix.

CHAPTER CLXXIII.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO PURCHASE LANDS FOR VARIOUS PURPOSES TO EXTEND THE TIME FOR COMPLETION OF CERTAIN WORKS AND ACQUISITION OF LANDS TO EMPOWER THE METROPOLITAN BOROUGH COUNCILS OF CAMBERWELL AND FULHAM TO PURCHASE LANDS AND TO CONFER FURTHER POWERS WITH RESPECT TO COMMON LODGING-HOUSES AND OTHER SANITARY MATTERS AND FOR OTHER PURPOSES.

[31st July 1902.]

[Preamble.]

PART I.

INTRODUCTORY.

Short title.

1. This Act may be cited as the London County Council (General Powers) Act 1902.

Division of Act into parts.

2. This Act is divided into parts as follows :—

Part I.—Introductory.

Part II.—Purchase of lands by Council.

Part III.—Powers to Council of the Metropolitan Borough of Fulham.

Part IV.—Purchase of Marble Hill Estate Twickenham.

Part V.—General Powers as to Lands.

Part VI.—Powers to Council of the Metropolitan Borough of Camberwell.

Part VII.—Extensions of Time.

Part VIII.—Ice Creams.

Part IX.—Common Lodging-houses.

Part X.—Financial.

Interpretation.

3. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :—

“The Council” means the London County Council;

“The county” means the administrative county of London.

[Part omitted (as to the meaning of words in the Acts incorporated) and in this Act spent.]

4. [Incorporation of Lands Clauses Acts. Spent.]

PART II.

PURCHASE OF LANDS BY COUNCIL.

Power to take lands for fire brigade purposes.

5. Subject to the provisions of this Act the Council may purchase and take for the purposes of the Metropolitan Fire Brigade Acts the lands in the county herein-after described and which are delineated on the deposited plans and described in the deposited book of reference viz. :—

Land in the parish and metropolitan borough of Lambeth bounded on the east side by Herne Hill on the west side by Milkwood Road on the north side by vacant land and on the south side by the post office in Milkwood Road aforesaid :

Land in the parish of Eltham and metropolitan borough of Woolwich situate on the northern side of Eltham Road and bounded on the south side by that road on the east and north-east sides by Meadow Court Road and on the west side by

No. 7 Eltham Road comprising the premises known as Nos. 9 and 11 Eltham Road. Acquisition of land for enlargement of Clapham Common.

6.—(1) Subject to the provisions of this Act the Council may purchase and take the lands in the parish of Clapham and metropolitan borough of Wandsworth bounded on the south-east side by Clapham Common south side and on the south-west side partly by a road or thoroughfare leading from Clapham Common north side to Clapham Common south side and partly by Clapham Common and adjoining on all other sides Clapham Common aforesaid and comprising the premises known as the Rookery Clapham Common so far as the same are shown upon the deposited plans and described in the deposited book of reference.

(2) The Council of the Metropolitan Borough of Wandsworth may surrender to the Council upon such terms as may be agreed the leasehold estate and interest of the council of the said metropolitan borough in a portion of the said lands.

(3) From and after the acquisition of the said lands by the Council and the removal of the buildings thereon the said lands shall be thrown into and for all purposes form part of Clapham Common and shall be subject to the same provisions with reference to management control and maintenance as other parts of the said common. [See 40 & 41 *Vict. c. cci.*]

7.—(1) Subject to the provisions of this Act the Council may purchase and take the land in the parish and metropolitan borough of Hammersmith situate on the western side of Paddenswick Road and bounded on the north-east side by that road on the south-east side by No. 27 Paddenswick Road and adjoining on the west side Ravenscourt Park and comprising the premises known as Nos. 29 and 31 Paddenswick Road and land adjoining so far as the same is shown upon the deposited plans and described in the deposited book of reference. Acquisition of land for enlargement of Ravenscourt Park.

(2) From and after the acquisition of the said lands by the Council and the removal of the buildings thereon the said lands shall be thrown into and for all purposes form part of Ravenscourt Park and shall be subject to the same provisions with reference to management control and maintenance as other parts of the said park. [See 50 & 51 *Vict. c. cxi. s. 32*, and 61 & 62 *Vict. c. ccxxi. s. 39.*]

8. [Power to Council to purchase parts only of certain properties for the Kentish Town Road widening authorised by 63 & 64 *Vict. c. cclxix. s. 4 (7).* Spent.]

PART III.

POWERS TO COUNCIL OF THE METROPOLITAN BOROUGH OF FULHAM.

9—11. [Powers to the Council of the Metropolitan Borough of Fulham to purchase lands in Fulham known as Southfields and certain land adjacent thereto containing 20a. 1r. 24p., or thereabouts, adjoining Clancarty Road, for the purposes of an open space, and to borrow money for such purpose—Power to the Council to contribute a sum not exceeding £30,000 towards such purchase.]

PART IV.

PURCHASE OF MARBLE HILL ESTATE TWICKENHAM.

12.—(1) It shall be lawful for the Council to purchase by agreement certain lands situate in the parish of Twickenham in the county of Middlesex known as the Marble Hill Estate and lying Acquisition management and maintenance of

Marble Hill
Estate
Twickenham.

between the Richmond Road and the River Thames comprising an area of sixty-six and a half acres or thereabouts.

(2) The said lands if and when purchased by the Council shall be dedicated to the use of the public as and for the purposes of a park open space or recreation ground for ever and shall be maintained managed and controlled by the Council as such.

(3) The Council shall have power to keep enclosed the whole or any part of the said Marble Hill Estate and to restrict the public use of the same during part of every day and the whole of every night.

Further
powers to
Council in
connexion
with preser-
vation of
view from
Richmond
Hill.

13. The Council may from time to time purchase by agreement such lands or rights in or over lands near adjoining or in the immediate neighbourhood of the said Marble Hill Estate as the Council may deem it desirable to purchase in order to prevent or regulate the erection of buildings which may be detrimental to the view from Richmond Hill and for the preservation and improvement of the said estate and with that object the Council may enter into and carry into effect agreements with the owners of or persons interested in any such lands and the Council may exchange any lands or rights in or over lands for the time being belonging to them for other lands or rights in or over lands the possession or control of which the Council may deem more important for the preservation from injury of the view from Richmond Hill and the Council may also with respect to any lands in the county of Middlesex aid any persons claiming or entitled to commonable or other similar rights or other persons in asserting (by legal proceedings or otherwise) any rights which may have the effect of preventing building on any lands within the said county of Middlesex and within the said view.

14. [*Prohibiting the Council from taking under this part of this Act ten or more houses occupied by labouring-class persons. Spent.*]

Power to
Council to
provide land-
ing stages
boats and
conveniences
at Marble
Hill Estate.

15. Subject to and in accordance with the provisions of the Thames Conservancy Act 1894* the Council may provide landing-stages slips boathouses and other like conveniences upon the lands acquired by them under this part of this Act on the banks of the said River Thames bordering the said Marble Hill Estate and may provide boats for the use or convenience of persons resorting to the said Marble Hill Estate and may make and from time to time vary or amend regulations with respect to the use thereof.

16—21. [*As to contributions by the County Councils of Middlesex and Surrey, the Council of the Metropolitan Borough of Hammersmith, the Richmond Corporation, and the Urban District Council of Twickenham towards the purchase of Marble Hill Estate. Spent.*]

PART V.

GENERAL POWERS AS TO LANDS.

22—33. [*As to acquisition of easements—Errors and omissions in plans—Power to the Council to enter and survey lands to be taken—As to arbitration—Compensation as to recently altered buildings—Period for compulsory purchase of lands limited to 3 years—Power to the Council to lease surplus lands, to sell ground rents, to sell such lands without leasing, to let or exchange and to sell such lands—Receipts of the Council to be effectual discharges. Spent.*]

34. [*As to rehousing of labouring-class persons displaced. Spent.*]

* See Appendix.

PART VI.

POWERS TO COUNCIL OF THE METROPOLITAN BOROUGH OF
CAMBERWELL.

35. [*Power to the Council of the Metropolitan Borough of Camberwell to purchase One Tree Hill, Honor Oak, and the garden of Brunswick Square, for the purposes of public open spaces; for an approach road to lands acquired by the Camberwell Council for a cemetery; and for widening the roadway at the southern end of Brunswick Square. See also 3 Edw. 7, c. clxxxvii. s. 67.*]

36—38. [*Application of ss. 22, 23, and 27 of this Act to the purchase of such lands by the Camberwell Council—As to rehousing of labouring-class persons displaced by the Camberwell Council—Powers for the Camberwell Council to borrow for the purposes of this part of this Act.*]

PART VII.

EXTENSIONS OF TIME.

39.—(1) The time limited by the London County Council (Vauxhall Bridge) Act 1895 and the London County Council (Vauxhall Bridge Tramways) Act 1896 for the execution of the works respectively described in and authorised by those Acts is hereby extended till the sixth day of July one thousand nine hundred and seven. [*See also the London County Council (Tramways and Improvements) Act 1906 s. 43.*]

Extension
of time for
completion
of works.

[*Part omitted (extensions till 6th August 1904 of the periods authorised for completion of works by 60 & 61 Vict. cc. cexlii. and cclii.) spent.*]

40—41. [*Extension till 5th August 1904 of the period limited by 54 & 55 Vict. c. ccvi. and extended by subsequent Acts for the purchase of certain lands therein mentioned, and of the period limited by 59 & 60 Vict. c. clxxxviii. as extended by 62 & 63 Vict. c. cexxxvii. for purchase of the "White House" beerhouse, Hackney Marshes—Application of the Railways Clauses Act 1863 to the extensions of time mentioned in ss. 39—40. Spent.*]

PART VIII.

ICE CREAMS.

42. Any person being a manufacturer of or merchant or dealer in ice creams or other similar commodity who within the county—

For regu-
lating manu-
facture and
sale of ice-
creams &c.

- (A) Causes or permits ice creams or any similar commodity to be manufactured sold or stored in any cellar shed or room in which there is any inlet or opening to a drain or which is used as a living room or sleeping room;
- (B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity, from infection or contamination; or
- (C) Omits on the outbreak of any infectious disease amongst the persons employed in his business or living or working in on or about the premises in or on any part of which any such commodity as aforesaid is manufactured sold or stored

to give notice thereof forthwith to the medical officer of the sanitary district in which such business is carried on or such premises are situate ;

shall be liable for every such offence on conviction in a court of summary jurisdiction to a penalty not exceeding forty shillings. [See also 54 & 55 Vict. c. 76, s. 55 (1) (a), and 4 Edw. 7, c. ccxlv. s. 48.]

Itinerant vendors to exhibit name of manufacturer of ice cream &c. on barrow.

43. Every itinerant vendor of any such commodity as aforesaid shall if not himself the manufacturer thereof exhibit in a legible manner on a conspicuous part of his barrow a notice stating the name and address of the person from whom he obtains such commodity and if such vendor is himself the manufacturer of such commodity he shall in the same manner exhibit his own name and address. Every such itinerant vendor who shall fail to comply with the provisions of this section shall be liable for each offence on conviction as aforesaid to a penalty not exceeding forty shillings.

Procedure.

44. Proceedings for the recovery of the penalties imposed by the two last preceding sections of this Act shall be instituted by the sanitary authority for the district in which the offence was committed or of the district to the medical officer of which such notification as aforesaid ought to have been made or in which such itinerant vendor as aforesaid shall offer any such commodity as aforesaid for sale as the case may be :

Provided always that if any sanitary authority omit to institute such proceedings the Council may institute the same as if such omission were a default within the meaning of the Public Health (London) Act 1891 and the provisions of that Act relating to any such default and the consequences thereof shall apply with respect to such proceedings. [See 54 & 55 Vict. c. 76, s. 100.]

45. [This part of Act to commence three months after passing of Act—The Council to give public notice of this Act. Spent.]

PART IX.

COMMON LODGING-HOUSES.*

46. [Power to the Council within six months after the passing of this Act to give notice to every keeper of a common lodging-house registered under the Common Lodging-Houses Acts 1851 and 1853 (hereinafter referred to as "registered common lodging-house keepers") requiring him to apply for a licence. Spent.]

Council to inquire as to suitability of applicant and of premises.

47. The Council shall as soon as practicable after any such application shall have been made to them make or cause to be made all necessary and proper inspections and inquiries both as to whether the person so applying is a fit and proper person to have the control and management of a common lodging-house and as to whether the premises in respect of which application is made for a licence are structurally and otherwise suitable for use and occupation as a common lodging-house having regard to the number health safety and convenience of persons occupying or intended to occupy the same.

Granting of licence.

48. If in the opinion of the Council the person applying for a licence is a fit and proper person to have control and management of a common lodging-house and the premises in respect of which

* See also 14 & 15 Vict. c. 28 ; 16 & 17 Vict. c. 41 ; 57 & 58 Vict. c. ccxiv. ; and 4 Edw. 7, c. ccxlv. s. 47.

the application is made are suitable for a common lodging-house the Council may grant to such person a licence to use the premises specified in his application for the purpose of a common lodging-house and to receive lodgers therein and such licence shall specify the maximum number of persons who may at any one time occupy such premises.

49. Such licence shall be valid for the period of one year from the date thereof but after the expiration of the said period the same shall be of no force or effect. The person named in any such licence (herein-after referred to as "a licensed lodging-house keeper") may at or before the expiration of the said period make application to the Council to renew his licence in respect of the same premises and if the Council shall think fit they may renew such licence accordingly for a further period of one year from the expiration of any licence and so from time to time. [Amended 4 Edw. 7, c. cclxiv. s. 47.]

Period of
licence and
as to renewal
and can-
cellation.

50.—(1) The Council shall not refuse to grant or renew a licence under this part of this Act except upon the ground (a) that the person applying to be licensed is not a fit and proper person to be licensed as a common lodging-house keeper or (b) that the premises are not suitable or suitably equipped for the purposes of a common lodging-house.

Appeal
against
refusal to
licence.

(2) If the Council refuse to grant a licence under this part of this Act they shall if required by the applicant deliver to him a statement in writing of the ground or grounds upon which such licence is refused.

(3) If the licence or renewal of licence be refused any person aggrieved by such refusal may appeal to a metropolitan police magistrate provided that such appeal is made within fourteen days from the date of such refusal and not less than twenty-four hours' notice of such appeal be sent to the Council.

(4) If a licence or renewal of licence be refused upon the ground that the premises are not suitable or suitably equipped for the purposes of a common lodging-house the magistrate shall have power to appoint a person being a properly qualified surveyor or architect to examine and report to him upon the condition of such premises and their suitability for the purposes of a common lodging-house.

(5) The costs of any such appeal including the expenses of any such examination and report as aforesaid shall be paid in such manner and by such parties to the appeal as the said magistrate may direct.

51. From and after the expiration of the period of notice to be given by the Council as aforesaid no person unless he shall have applied for and obtained a licence under this part of this Act shall keep a common lodging-house in the county or receive lodgers therein.

Unlicensed
person not
to keep a
common
lodging-
house.

52. Any person who shall hereafter be desirous of becoming a licensed lodging-house keeper in the county shall be at liberty to make application to the Council in the same manner as if he had at the date of the passing of this Act been a registered common lodging-house keeper and the provisions of this part of this Act shall apply accordingly.

Future
applications
for licences.

53.—(1) From and after the passing of this Act section 9 of the Common Lodging-Houses Act 1851 shall cease to be operative or have effect in the county.

Byelaws
relating to
common
lodging-
houses.

(2) The Council may make byelaws—

- (A) For fixing and from time to time varying the number of lodgers who may be received into a common lodging-house and for the separation of the sexes therein ; and
- (B) For promoting cleanliness and ventilation in such houses ; and
- (c) For the giving of notices and the taking precautions in the case of any infectious disease ; and
- (D) Generally for the well ordering of such houses.

(3) Any byelaws made by the Council under the provisions of this section shall be made subject and according to the provisions referred to in section 114 of the Public Health (London) Act 1891.

As to keeping lodging-houses open after death of registered keeper.

54. Notwithstanding anything in the Common Lodging-Houses Act 1853 contained to the contrary notice shall be given to the Council of the death of any registered lodging-house keeper in the county forthwith after the same shall have occurred and the right by section 3 of the last-mentioned Act conferred upon the widow or any member of the family of a registered lodging-house keeper to keep such common lodging-house open and of receiving lodgers therein for four weeks after such death without registration shall not be exercisable unless such notice shall have been duly given.

Penalties or fines to be paid to Council.

55. Whenever in consequence of proceedings taken by the Council against any person in respect of any offence in connexion with a common lodging-house in the county a pecuniary penalty or fine is inflicted the amount of such penalty or fine shall notwithstanding anything in the Metropolitan Police Courts Act 1839 or in any other Act or Acts contained to the contrary be payable and paid to the Council.

Saving and application of provisions of general Acts.

56. Notwithstanding anything in this Act contained the provisions of the Common Lodging-Houses Acts 1851 and 1853 shall except so far as the same are varied by or inconsistent with the provisions of this part of this Act continue to be of full force and effect and the provisions of the said Acts with respect to a registered common lodging-house keeper shall except so far as the same are varied by or inconsistent with the provisions of this part of this Act apply to a licensed common lodging-house keeper.

Offences.

57. Section 14 of the Common Lodging-Houses Act 1851 and section 11 of the Common Lodging-Houses Act 1853 shall extend to offences against any of the provisions of this part of this Act or any byelaws made thereunder so as to render the offenders liable to penalties or imprisonment as in the said sections respectively mentioned.

PART X.

FINANCIAL.

58. [*Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council (Money) Acts 1903—1906.*]

As to payments under this Act.

59. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general or special county purposes within the meaning of the Local Government Act 1888 as the Council may decide. . . . [*Part omitted (as to the expenses*

of obtaining Act and as to the payment of a proportion of such expenses by the Councils of the Metropolitan Boroughs of Camberwell and Fulham) spent.]

SCHEDULE. [Form of notice for purposes of s. 46 of the Act. Spent.]

CHAPTER CCXVIII.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO CONSTRUCT AND USE A SUBWAY AND TRAMWAY IN THE METROPOLITAN BOROUGH OF HOLBORN AND THE CITY OF WESTMINSTER AND FOR OTHER PURPOSES. [8th August 1902.]

[Preamble.]

1. This Act may be cited as the London County Council Short title.
(Subways and Tramways) Act 1902.

2. The following Acts and parts of Acts (that is to say):—

Incorporation of Acts.

as regards the street tramway section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870 *; as far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act. The London County Council (Subways) Act 1893 shall extend and apply to the subway as well during as after the construction thereof. [See also 6 Edw. 7, c. clxxxi. s. 55.]

Part omitted (incorporation of Lands Clauses Acts) spent.

3. In this Act unless the subject or context otherwise require—

Interpretation.

Terms to which meanings are assigned by the Acts wholly or partly incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings;

“The Council” means the London County Council;

“Street” has the meaning assigned to that term in the Metropolitan Management Acts 1855 to 1893;

“The subway” means the subway herein-after described and authorised by this Act and the approaches thereto; [See also 6 Edw. 7, c. clxxxi. s. 4, and Part III. and ss. 45 and 55.]

“The tramway” means the tramway herein-after described and authorised by this Act;

“The street tramway” means so much of the tramway as will be laid along the surface of a street.

[Part omitted (as to meaning of words in Lands Clauses Acts incorporated) spent.]

4. Subject to the provisions of this Act the Council may in the lines and according to the levels shown on the deposited plans and sections construct maintain and use the subway in the county of London herein-after described with all necessary approaches stairs passages lifts stations works and conveniences in connexion therewith (that is to say):—

Power to make subway.

A subway tunnel or covered way with approaches thereto the subway commencing in the parish of Saint George Bloomsbury in Southampton Row as proposed to be widened under the London County Council (Improvements) Act 1899 at a

* See Appendix.

point 50 yards or thereabouts southward of the junction of Southampton Row with Vernon Place extending under Southampton Row as widened and across under Holborn and under the new street from Holborn to the Strand as authorised by the said Act passing under the Strand and the approach to Waterloo Bridge and terminating in the precinct of the Savoy on the Victoria Embankment at a point about half way between the southern end of Savoy Street and the foot of the staircase forming the approach for foot passengers to Waterloo Bridge on the western side from the Embankment: [*See 6 Edw. 7, c. clxxxi. s. 4, and Part III. and ss. 45 and 55.*]

An approach to the subway commencing in the parish of Saint George Bloomsbury at the junction of Southampton Row with Vernon Place and terminating at the point herein-before described as the commencement of the subway.

Power to
make
tramway.

5. Subject to the provisions of this Act the Council may make form lay down and maintain the tramway herein-after described in the lines and according to the levels shown on the deposited plans and sections with all such rails plates sleepers junctions turntables turnovers crossings passing-places works and conveniences connected therewith as may be necessary or proper therefor (that is to say):—

A tramway (double line 5 furlongs 1·2 chains or thereabouts in length) commencing in the parish of Saint George-the-Martyr at the termination of the tramways in Theobald's Road by a junction with those tramways passing along Theobald's Road and the subway herein-before described and the approaches thereto to and terminating at the Strand.

Gauge of
tramway etc.

6. The tramway shall be of the gauge of four feet eight and a half inches but this Act shall not authorise the use upon the tramway of carriages or trucks adapted for use upon railways.

Power to
stop up ways
temporarily.

7. Subject to the provisions of this Act the Council for the purposes of constructing maintaining or repairing the subway and tramway or either of them may in or upon the lands shown in connexion therewith upon the deposited plans stop or cause to be stopped up temporarily all or any part of any carriageway or footway which they shall think necessary for such purposes to be stopped up and may put or cause to be put up sufficient palisades hoardings bars posts and other erections and may construct temporary works for keeping any such carriageway and footway open for traffic and may make from time to time such orders for regulating the traffic as to them shall seem proper and they may remove and alter any drinking troughs lamp-posts railings and other buildings and erections in or upon the said lands.

Power to
alter sewers
etc.

8. For the purpose of constructing maintaining or repairing the subway and for the purpose of laying down the tramway and laying repairing and maintaining cables wires conduits tubes pipes coverings inspection boxes and appliances and for any of the purposes and subject to the provisions of this Act the Council may open and break up the surface of any street and may alter divert stop and otherwise interfere with any sewer drain pipe wire tube and other apparatus.

9. [*For the protection of the metropolitan borough of Holborn. Spent.*]

10. The Council may demand and take for the use of the tramway Tolls, any sum not exceeding one penny for each passenger.

11. [*Provision as to general Tramway Acts. Identical with 63 & 64 Vict. c. cclxx. s. 48.*]

12. The provisions of the sections of the London County Council (Tramways and Improvements) Act 1901 of which the marginal notes are as follows :—

No. of Section.	Marginal Note.	Application of certain provisions of London County Council (Tramways and Improvements) Act 1901.
7	Tramways not to be opened until certified by Board of Trade.	
8	As to rails of tramways.	
10	Saving rights of access to sewers.	
12 (1)	Power to make additional crossings etc.	
17	Power to Council to work tramways.	
18	Applying certain provisions of London County Tramways (Electrical Power) Act 1900.	
19	For protection of Postmaster-General.	
22	Provision against interference with tramways.	

shall so far as applicable extend and apply to the tramway.

The provisions of the sections of the same Act of which the marginal notes are as follows :—

No. of Section.	Marginal Note.
9	Rails to be maintained on level of roadway.
11	Penalty for not maintaining rails and roads in good condition and inspection of tramways.

shall extend and apply to the street tramway as defined by this Act.

13. [*Power to the Council to underpin or otherwise strengthen houses near the subway. Identical with 60 & 61 Vict. c. ccxiv. s. 14, substituting "said works" for "subway."*]

14. In making the subway and the tramway in the subway the Council may subject to the provisions of this Act deviate to any extent from the line thereof within the limits of deviation defined on the deposited plans and the Council may subject to the provisions of this Act deviate to any extent from the levels thereof defined on the deposited sections not exceeding ten feet from the levels thereof as defined on the said sections.

15–21. [*Power to the Council to take lands—As to acquisition of easements—Errors and omissions in plans—Power to the Council to enter and survey lands to be taken—As to arbitration—As to the alteration of water, gas, and other pipes—For the protection of gas and water companies.*]

22. Any lands acquired by the Council under the powers of this Act except such as are required to form part of the subway or to be permanently retained for the purposes of this Act shall subject to the provisions of any future Act of Parliament be sold or disposed of by the Council within a period of sixty years from the first day of September next after the passing of this Act.

Council to dispose of lands within a certain period.

Power to
Council to
make agree-
ments with
owners of
property etc.

23. The Council may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of the subway with respect to the sale by the Council to such person of any lands or property for such consideration as may be agreed upon between the Council and such person and the Council may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or other property required by the Council for the purposes of this Act.

24. [*Period for the compulsory purchase of lands limited to 3 years. Spent.*]

25. [*Period for the completion of the works limited to 7 years from the 9th August 1899. Extended till the 8th August 1909 by 6 Edw. 7, c. clxxxi. s. 32.*]

26—28. [*As to taking parts only of certain properties—Rehousing of labouring-class persons displaced. Spent.*]

29. [*For the protection of the vaults of Somerset House.*]

30. [*Saving the rights of the Crown.*]

31. [*Authorising agreements with the Duchy of Lancaster.*]

32. [*Saving the rights of the Duchy of Lancaster.*]

33. [*For the protection of certain works belonging to the Councils of the Metropolitan Borough of Holborn and the City of Westminster. Rep. by 6 Edw. 7, c. clxxxi. s. 34.*]

34. [*Power to Council to borrow for the purposes of this Act. Superseded by the London County Council (Money) Acts 1903—1906.*]

Apportion-
ment of ex-
penses of
subway and
tramway.

35. The Council may if they think fit apportion the costs and expenses of the construction of the subway in such manner as they may think proper between the tramway account and any separate account which they may keep in relation to subways.

Separate
account of
receipts and
payments
relating to
tramway.

36. Notwithstanding anything in this or any other Act all receipts of the Council arising from the tramway and payments by the Council in relation to the tramway shall be carried or charged to the separate account kept by the Council in relation to their tramways and section 47 of the London County Tramways Act 1900 shall be deemed to extend and apply to the tramways as defined by this Act.

As to pay-
ments under
this Act.

37. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general or special county purposes within the meaning of the Local Government Act 1888 as the Council may decide. . . . [*Part omitted (as to expenses of obtaining this Act) spent.*]

CHAPTER CCXIX.

AN ACT TO ENABLE THE LONDON COUNTY COUNCIL TO CONSTRUCT NEW TRAMWAYS IN THE COUNTY OF LONDON AND TO WORK THE SAME BY ELECTRIC TRACTION TO MAKE STREET IMPROVEMENTS TO ACQUIRE LANDS FOR A STATION FOR GENERATING ELECTRICITY AND FOR USE IN CONNEXION WITH THEIR TRAMWAY UNDERTAKING AND FOR OTHER PURPOSES. [8th August 1902.]

[*Preamble.*]

1. This Act may be cited as the London County Council (Tramways and Improvements) Act 1902. Short title.

2. The following Acts and parts of Acts (that is to say):— Incorporation of Acts.
The Lands Clauses Acts (except the provisions of sections 127 and 133 of the Lands Clauses Consolidation Act 1845); and Section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870;*
as far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

3. In this Act unless the subject or context otherwise require— Interpretation.
Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings:

“The Council” means the London County Council;

“The tramways” means the tramways by this Act authorised and any part thereof;

“The improvements” means the street improvements by this Act authorised;

“Street” has the meaning assigned to that term in the Metropolis Management Acts 1855 to 1893:

Provided that for the purposes of this Act the expressions “the promoters of the undertaking” and “the company” in the Lands Clauses Acts shall be construed to mean the Council.

4. Subject to the provisions of this Act the Council may make form lay down and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections with all such rails plates sleepers junctions turntables turnovers crossings passing-places works and conveniences connected therewith as may be necessary or proper therefor. Power to make tramways.

The tramways herein-before referred to and authorised by this Act are those shown on the deposited plans under the numbers herein-after stated in connexion therewith respectively and shall be of the gauge of four feet eight and a half inches but carriages or trucks adapted for use upon railways shall not be run upon such tramways.

The said tramways will be situate in the county of London.

Tramway No. 5 (double line 2 miles and 5·4 chains or thereabouts in length) commencing in the parish of Hammersmith in Queen Street opposite the south side of Bridge Road and terminating in the parish of Putney in the Lower Richmond Road near the junction of that road with the approach to Putney Bridge:

Tramway No 12 (double line 7 furlongs 1·18 chains or thereabouts in length) wholly in the parish of Woolwich com-

* See Appendix.

mencing in Woolwich Road near the junction of that road with Shooter's Hill Road and terminating in that road near Nightingale Place :

Tramway No. 12A (single line 3 furlongs 2·10 chains or thereabouts in length) commencing by a junction with the said Tramway No 12 at the point of termination thereof and terminating in New Road near the junction of Anglesea Road with New Road :

Tramway No. 12B (single line 3 furlongs 0·60 chain or thereabouts in length) commencing by a junction with the said Tramway No. 12 at the termination thereof and terminating in New Road near the junction of Anglesea Road with New Road :

Tramway No. 12c (double line 7·12 chains or thereabouts in length) commencing in New Road by a junction with the said Tramways Nos. 12A and 12B at the points of termination thereof and terminating in the said New Road at a point 3 chains or thereabouts north-eastward of the junction of Anglesea Road with New Road :

Tramway No. 12D loop line (single line 3 furlongs 0·70 chain or thereabouts in length) commencing in New Road by a junction with Tramway No. 12c at the termination thereof passing thence along Thomas Street Green's End and Beresford Square thence into New Road near its junction with Plumstead Road and terminating in New Road by a junction with the said Tramway No. 12c at the point of termination thereof :

The said Tramways Nos. 12A 12B 12C and 12D will be situate wholly within the parish of Woolwich :

Tramway No. 14 (double line 1 mile 3 furlongs 5·54 chains or thereabouts in length) commencing in the parish of Charlton in Shooter's Hill Road near the junction of that road with Woolwich Road or Well Hall Lane passing thence through the parish of Kidbrooke (detached) into Woolwich Road and along that road (as to be widened straightened and improved by the Council of the Metropolitan Borough of Woolwich) partly in the parish of Eltham and partly in the parish of Kidbrooke (detached) to the southern side of the bridge carrying the South Eastern Railway over the said road near Well Hall Station thence along a new road to be made by the said Council in the parish of Eltham to the junction of Woolwich Road with Eltham High Street and terminating at that junction in the parish of Eltham : [*See 4 Edw. 7, c. cccxxi. s. 6.*]

Tramway No. 14A (double line 1·61 chains or thereabouts in length) commencing in the parish of Eltham in Woolwich Road by a junction with Tramway No. 14 at a point $\frac{1}{2}$ chain or thereabouts south of the junction of Woolwich Road with Shooter's Hill Road and terminating in the parish of Woolwich by a junction with Tramway No. 12 in Woolwich Road at a point 1 chain or thereabouts north of the junction of Woolwich Road with Shooter's Hill Road :

Tramway No. 15 (double line 2 miles 2 furlongs or thereabouts in length) commencing in the parish of Camberwell by a junction with the tramway of the Council in Camberwell Green near the junction of Camberwell New Road with

Camberwell Green and terminating in Lordship Lane in the said parish of Camberwell near the junction of Crystal Palace Road with Lordship Lane :

Tramway No. 15A (double line 1·5 chains or thereabouts in length) commencing in the parish of Camberwell by a junction with Tramway No. 15 herein-before described at the point of junction of Coldharbour Lane with Denmark Hill and terminating partly in the parish of Lambeth and partly in the parish of Camberwell at a point opposite or nearly opposite the entrance to the Metropole Theatre.

5. The Council shall not use any system of overhead electrical traction upon Tramways Nos. 5 15 and 15A by this Act authorised.

Prohibiting use of overhead system on certain tramways.

6. *[No part of the tramways to be laid so that for a distance of 30 feet or upwards less than 9 feet 6 inches will intervene between the footpath and the nearest rail except for certain short distances as regards Tramway No. 5 in Fulham Palace Road, Tramway No. 12 in Woolwich Road, Tramway No. 12B in Mill Lane, Tramway No. 12D in Green's End, Tramway No. 14 in Woolwich Road, and Tramway No. 15 in Grove Vale.]*

7.—(1) The Council may alter and remove so much of the existing tramway in the Hampstead Road in the parish of Saint Pancras as is situate between the Euston Road and a point in the said Hampstead Road opposite the northern side of the street leading therefrom to Tolmers Square.

Alteration of existing tramways.

(2) It shall be lawful for the Council in connexion with and so far as may be necessary for the purpose of the construction of Tramways Nos. 15 and 15A by this Act authorised to alter reconstruct and adapt for working by electrical power so much of the tramways of the London Southern Tramways Company* as lies between Camberwell Green and the termination of the said Tramway No. 15A.

8. The sections of the London County Council (Tramways and Improvements) Act 1901 of which the numbers and marginal notes are herein-after set forth shall be deemed to be incorporated with this Act and shall extend and apply to the tramways and to the Council in respect thereof namely :—

Applying to tramways certain provisions of London County Council (Tramways and Improvements) Act 1901.

Number of Section.	Marginal Note.
7	Tramways not to be opened until certified by Board of Trade.
8	As to rails of tramways.
9	Rails to be maintained on level of roadway.
10	Saving rights of access to sewers.
11	Penalty for not maintaining rails and roads in good condition and inspection of tramways.
12	Power to make additional crossings etc.
13	Council may reduce width of footway in certain cases.
14	Use of tramways by road authorities for certain local purposes.
17	Power to Council to work tramways.
18	Applying certain provisions of London County Tramways (Electrical Power) Act 1900.
19	For protection of Postmaster-General.
20	Agreements with local authorities outside London as to working of tramways.
22	Provision against interference with tramways.

* The Council resolved on the 10th July 1906 to purchase the tramways of this Company.

Application
of section 32
of Tramways
Act 1870.

9. The council of any metropolitan borough and also any company having power to lay electric lines in any street in which a tramway is to be laid under the powers of this Act shall notwithstanding anything contained in any Act or Order relating to such council or company be deemed for the purposes of this Act to be a road authority or company respectively to whom section 32 of the Tramways Act 1870* applies.

10—11. [*As to tolls, etc.—Provision as to general Tramway Acts. Identical with 1 Edw. 7, c. cclxxi. ss. 23 and 24.*]

12—13. [*Power to the Council to make street widenings within the limits shown on the deposited plans, and according to the levels shown on the deposited sections, in Hampstead Road, Fulham Palace Road, High Street Fulham, Denmark Hill, Champion Park, Grove Lane, Dog Kennel Hill, Grove Vale, Lordship Lane, and Queen's Road Peckham, and to alter the levels of New Road Woolwich and Grove Vale Camberwell to the extent shown on such plans and sections.*]

14—21. [*Power to the Council to stop up ways temporarily, to raise or lower streets, to deciate, to make subsidiary works, to stop up streets and appropriate the sites thereof, and to alter and interfere with drains and sewers on providing proper substitutes—Vesting the soil of streets, etc., stopped up in the Council—Substituted sewers and drains to be under the same management as existing sewers and drains—Power to the Council to lay out carriageway, footway, sewers, and other works—As to the laying of pavements and resting the repair thereof in the authority in whom the repair of the street is vested, or in other parties liable to repair the same—Power to the Council to fill up sewers and drains, on providing substitutes which are to be under the same management as existing sewers and drains—Power to the Council to alter steps, areas, pipes, etc.*]

22. [*Application of 56 & 57 Vict. c. cclii. to this Act. Identical with 62 & 63 Vict. c. cclxvi. s. 28.*]

23—25. [*Improvements to form public streets—Power to the Council to sell materials and to take lands. Identical with 1 Edw. 7, c. cclxxi. ss. 37—39.*]

Purchase of
lands and
power to
erect and
equip gene-
rating sta-
tion.

26.—(1) Subject to the provisions of this Act the Council may enter upon and take the lands firstly and secondly described in the First Schedule to this Act.

(2) The Council may on the lands described in the said schedule erect maintain and use a station for generating and transforming electrical energy with all necessary engines dynamos plant and machinery.

Purchase of
lands for
tramway
purposes.

27. Subject to the provisions of this Act the Council may enter upon take and use for tramway dépôts or for any purposes of or in connexion with their tramway undertaking—

(a) Lands in the parish of Saint Paul Deptford bounded on the north by New Cross Road on the west by gardens in rear of houses in Pepys Road on the south by gardens in rear of houses in Ommahey Road and on the east by the western end of Musgrave Road and Hareham Lodge;

(b) Lands in the parish of Clapham bounded on the northern side by No. 37 Clapham Park Road on the west by Clapham Park Road on the south by No. 43 Clapham Park Road and on the east by the tramway's stable of the Council;

and as from the purchase by the Council of the said lands respec-

* See Appendix.

tively any rights of way over the said lands or any part thereof shall be extinguished.

28. [As to acquisition of easements. Identical with 1 Edw. 7, c. cclxxi. s. 41.]

29—36. [As to errors and omissions in plans—Power to the Council to enter upon and survey lands to be taken—As to costs of arbitration, etc., in certain cases, and as to compensation in case of recently altered buildings—Power to the Council to take parts only of certain properties described in the 2nd Schedule—As to compensation in case of insanitary property, and alteration of the position of water, gas, and other pipes—For the protection of gas and water companies.]

37. [As to the alteration of electric lines. Identical with 1 Edw. 7, c. cclxxi. s. 50.]

38. [Power to the Council to make agreements with owners of property, etc. Identical with 54 & 55 Vict. c. cexi. s. 34.]

39. [Period for the compulsory purchase of lands limited to 3 years. Spent.]

40. [Period for the completion of works limited to 7 years.]

41. Any lands acquired by the Council under the powers of this Act except such as are required to form part of any improvement or to be permanently retained for the purposes of this Act and except lands on which buildings shall have been erected by the Council for the purposes of this Act in pursuance of the section of the London County Council (Tramways and Improvements) Act 1901 (as incorporated with this Act) of which the marginal note is "Scheme as to accommodation for persons of the labouring class displaced" shall subject to the provisions of any future Act of Parliament be sold or disposed of by the Council within a period of sixty years from the first day of September next after the passing of this Act.

Council to dispose of lands within a certain period.

42. The sections of the London County Council (Tramways and Improvements) Act 1901 of which the numbers and marginal notes are herein-after set forth shall be deemed to be incorporated with this Act and shall extend and apply to any lands acquired by the Council under the powers of this Act and to the Council in respect thereof namely:—

Incorporating certain provisions of London County Council (Tramways and Improvements) Act 1901 with reference to lands etc.

Number of Section.	Marginal Note.
52	Power to lease surplus lands.
53	As to sale of ground rents.
54	Council may sell land in the first instance without having previously granted a lease thereof.
55	Council may let or exchange lands.
57	Receipts of Council to be effectual discharges.
61	Scheme as to accommodation for persons of the labouring class displaced.

43.—(1) No part of the tramways shall be laid over any gas or water pipes belonging to the Secretary of State for War unless with the consent of the Superintendent of Building Works of the War Department and except where in the opinion of such superintendent it is necessary that the tramway should be so constructed. Before any part of the tramways is laid over any such gas or water pipes the same shall be relaid or diverted in accordance with the instructions of the said superintendent of building works on behalf of the War Office.

For protection of War Department.

(2) Where in the opinion of the superintendent of building works any repairs or alterations shall be necessary to any such gas or water pipes over which the tramway shall have been constructed the said superintendent shall have power to obtain access to such gas or water pipes for the purpose of such repairs or alterations on giving (except in case of emergency) not less than twenty-one days' notice in writing to the Council.

(3) The Council shall not exercise any of the powers conferred upon them by section 12 of the London County Council (Tramways and Improvements) Act 1901 opposite to any land or building vested in or under the control of the said Secretary of State until the work proposed to be constructed under such powers shall have been approved by the said Secretary of State or by an officer acting on his behalf and if at any time it shall in the opinion of the said Secretary of State be desirable that any such work so executed shall be altered or removed the Council shall alter or remove it to the satisfaction of the Secretary of State within twenty-eight days from the time at which they are called upon to do so.

(4) The Council shall not permit any of their cars to stop or stand upon their tramway opposite or near to the entrance to any lands or buildings vested in or under the control of the said Secretary of State in such manner as to interfere with access to or from such lands or buildings except for and only for so long as shall be absolutely necessary for the purpose of taking up and setting down passengers.

(5) If at any time it is established to the satisfaction of the Board of Trade that any work of the Council under this Act or the supply of energy for the purposes of this Act injuriously affects any telegraphic line of the said Secretary of State the Board of Trade may by order specify the matter complained of and require the Council to abate or discontinue it within such period as is therein limited in that behalf and if the Council make default in complying with the order they shall be liable to a penalty not exceeding twenty pounds for every day during which the default continues.

(6) The Board of Trade may also if they think fit by the same or any other order forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified and if the Council make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which the user continues.

44. In constructing reconstructing altering and maintaining any of the tramways by this Act authorised where the same are intended to cross any bridge carrying any road over the railways of the London Brighton and South Coast Railway Company and the South Eastern Railway Company respectively or in laying down or altering any wire cable or apparatus in any such road the following provisions shall have effect :—

- (1) In this section the expression "the Company" means the South Eastern Railway Company or the London Brighton and South Coast Railway Company as the case may require and the expression "the bridge" means any bridge belonging to either of those Companies over which the tramways or other works as aforesaid are proposed to be carried :
- (2) If the Company shall require to widen lengthen strengthen reconstruct alter or repair the bridge or the approaches

thereto or to widen or alter their railway thereunder and shall find it necessary for effecting any of such purposes that the working and user of the tramway over the bridge or approaches shall be wholly or partially stopped or delayed or that the tramway shall be temporarily diverted or be wholly or in part taken up or removed and shall except in case of emergency give to the Council fourteen clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of the tramway shall be stopped or delayed or the tramway shall be diverted or taken up or removed accordingly at the expense of the Council and under the superintendence of the engineer of the Company if such engineer give such superintendence but only for so long as shall be necessary for effecting such purposes and without the Company being liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay or in any way relating thereto :

Provided that if the tramway be constructed as a double line over the bridge the Company shall not be at liberty to require more than one line of rails on the bridge to be stopped at a time :

- (3) The Council shall execute all works affecting the bridge in such a manner as to alter or interfere as little as possible with the structure of the bridge or with the approaches thereto so far as they belong to the Company and they shall so maintain and use the tramway and apparatus as to interfere as little as possible with the structure of the bridge or approaches :
- (4) Any interference with or alteration of the structure of the bridge shall only be executed by the Council according to plans and sections to be previously submitted to and reasonably approved by the said engineer and all works affecting the bridge shall be carried out under the superintendence and to the reasonable satisfaction of the said engineer :

Provided that unless the said engineer by notice in writing to the Council within twenty-one days after the submission of such plans and sections give notice in writing to the Council objecting thereto or making any requirement with respect thereto the said plans and sections shall be deemed to have been approved on behalf of the Company and the work may be proceeded with accordingly :

- (5) In the event of any injury being caused to the bridge or approaches by the construction maintenance or user of any works under the powers of this Act the Company may at the expense of the Council restore the bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Council shall indemnify the Company against all expenses to which they may be put in repairing so much of the bridge or the road over and the approaches to the bridge as the Company are liable to maintain and repair and the Company may recover from the Council the amount of such expenses :

- (6) In case it shall become necessary in consequence of the construction maintenance or user of any works under the powers of this Act to strengthen the structure of the bridge the Company may after giving to the Council fourteen clear days' notice thereof execute such works as may be necessary to strengthen the bridge and the costs and expenses of and incidental to such strengthening shall be repaid by the Council to the Company :
- (7) If it becomes advisable having regard to the relative positions of the works of the Council and the works of the Company that the electric telegraphic telephonic or signal wires and apparatus connected with the railway should be placed in cable or otherwise altered the Company may execute any works reasonably necessary for such cabling or alteration and the expense of executing such works shall be borne by the Council :
- (8) The Council shall be responsible for and make good to the Company all losses damages and expenses which may be occasioned to them by or by reason of the execution or failure of any works under the powers of this Act or by reason of any act default or omission of the Council or of any person in their employment or of any contractors for any such works or any part thereof or otherwise and the Council shall effectually indemnify and hold harmless the Company from all claims and demands upon or against them by reason of such execution or failure or any such act default or omission :
- (9) If and whenever the tramways on either side of the bridge or of the approaches thereto are single line tramways there shall only be single lines over the bridge or approaches and no turnouts or passing-places shall be constructed thereon :
- (10) With respect to the tramway where the same will pass in front of the access to any station of the Company no crossing passing-place siding junction or other work shall be made for or in connexion therewith for the distance thereon extending in front of the said access and for a length of twenty yards at each end of such distance and without the consent of the Company under their common seal no tramcar or other vehicle or carriage used on the tramway shall be stopped or permitted to be stopped within such distance and length except for and only for so long as shall be absolutely necessary for the purpose of taking up and setting down passengers :
- (11) If any difference shall arise under this section between the Council and the Company as to anything to be done or not to be done under the provisions of this section or the reasonableness of any requirements or of any charges under this section the matter in difference shall unless otherwise agreed be determined by a referee in accordance with the provisions of section 33 of the Tramways Act 1870.*

For protection of
Sir Claude
Champion de
Crespigny
and others.

45. Notwithstanding anything contained in this Act or shown on the deposited plans the following provisions shall unless otherwise agreed in writing between the Council and Sir Claude Champion de Crespigny Baronet and his trustees and his and their sequels in

* See Appendix.

estate (all of whom are in this section included in the term "the owners") have effect for the benefit and protection of the owners (that is to say) :—

- (1) The Council shall not acquire the estate or interest of the owners in any greater portion of any lands of the owners than is absolutely required for the street widenings by this Act authorised and is actually to be thrown into and form part of such widenings :
- (2) In the event of the Council acquiring any leasehold or other interest in the lands of the owners numbered on the deposited plans 43 44 45 46 47 48 49 and 50 in the parish of Saint Giles Camberwell not required for and actually thrown into and forming part of the street widenings as aforesaid then the owners shall within one year after the completion of the street widening into which any adjoining lands of the owners shall have been thrown purchase from the Council and the Council shall sell and convey to the owners free from incumbrances the leasehold or other interest aforesaid in the said lands numbered as aforesaid and the purchase money or consideration upon such sale and conveyance shall unless otherwise agreed between the owners and the Council be determined by arbitration by a single arbitrator to be appointed unless otherwise agreed upon between the owners and the Council on the application of either party by the President of the Surveyors' Institute and in other respects in accordance with the provisions of the Lands Clauses Consolidation Act 1845 with respect to the settlement of questions of disputed compensation.
- (3) The Council shall not at any time do or permit to be done any act or thing whereby the access of the owners and their tenants and the public to the roadway and footways of Grove Lane as existing at the passing of this Act shall be in any way permanently interfered with and every such access shall be always available to the roadway and footways of Grove Lane as that lane may be widened under the provisions of this Act :
- (4) If any difference arise between the Council and the owners with respect to the meaning or effect of any of the provisions of this section or anything to be done or not to be done under such provisions it shall be determined by a single arbitrator in accordance with the provisions of the Arbitration Act 1889.

46. For the protection of "the master and four wardens of the Fraternity of the Art or Mystery of Haberdashers in the city of London governors of the possessions revenues and goods of the almshouse and free grammar school of William Jones in Monmouth in the county of Monmouth" and of the Mayor Aldermen and Councillors of the Metropolitan Borough of Deptford the following provisions shall have effect (that is to say) :—

For protec-
tion of
Haber-
dashers'
Company
and of
metropolitan
borough of
Deptford.

Notwithstanding anything shown upon the deposited plans or contained in this Act the Council shall not purchase or take any greater quantity of the lands described under the letter (a) in the section of this Act the marginal note of which is "Purchase of lands for tramway purposes" than that shown by the colour pink upon a plan signed in duplicate by

Henry Hobhouse the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one copy of which is deposited in the Parliament Office of the House of Lords and the other in the Private Bill Office of the House of Commons and the Council shall not use the said lands for any purpose other than a tramway depôt or for the purpose of a station for generating electrical energy of artisans' dwellings of stabling for horses or for manufacturing purposes and nothing in this Act shall exempt the Council from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon the said lands.

For protection of Ecclesiastical Commissioners and Bishop of London.

47. Notwithstanding anything contained in this Act or shown upon the deposited plans the Council shall not enter upon take or use otherwise than by agreement any of the lands numbered on the deposited plans 3 4 and 5 in the parish of Fulham.

48. [*Provisions for the protection of Charrington and Company Limited.*]

49. [*Saving the rights of the Crown.*]

50. [*Saving the rights of the War Department.*]

As to termination of Tramway No. 5.

51. Unless otherwise agreed between the Council and the Council of the Metropolitan Borough of Wandsworth the Council shall not construct any part of Tramway No. 5 in the borough of Wandsworth until they shall have widened and thrown into the public way the piece of land coloured pink shown on the plan signed in duplicate by Henry Hobhouse the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred of which plan one copy is deposited in the Private Bill Office of the House of Commons and another copy is deposited in the Parliament Office of the House of Lords and shall have made up and paved such widened public way as if the same were an improvement by this Act authorised.

Improvement charge Hampstead Road widening.

52. The provisions of Part IV. (Improvement area and charge) of the London County Council (General Powers) Act 1901 shall extend to and be applicable in the case of the widening of Hampstead Road by this Act authorised :

Provided that for the purposes of this Act the expression "improvement" in the said section means the widening of Hampstead Road by this Act authorised and the "improvement area" means the area shown on the deposited plans within the line thereon indicating the limits within which an improvement charge may be imposed :

Provided also that the property numbered 34 on the deposited plans shall not be held to be within the improvement area.

53—55. [*Requiring contributions by the Councils of the Metropolitan Boroughs as follows—viz. : by St. Pancras, one-eighth of the cost of widening Hampstead Road ; by Fulham, such sum not exceeding £30,000 as shall equal one-third of the net cost of the widenings of Fulham Palace Road and High Street, Fulham ; by Camberwell, one-third of the cost of widening Denmark Hill, Champion Park, Grove Lane, Dog Kennel Hill, Grove Vale, and Lordship Lane ; and power to the Councils of the Metropolitan Boroughs of Deptford and Camberwell to contribute towards the cost of the widenings of Queen's Road, Peckham, and power to such Councils of the Metro-*

politan Boroughs to borrow for the purpose of such contributions—As to separate accounts, and accounts of joint works.]

56. *[Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council (Money) Acts 1903—1906.]*

57. *[Separate accounts to be kept of receipts and payments relating to tramways. Identical with 1 Edw. 7, c. cclxxi. s. 68.]*

58. The Council may if they think fit apportion the costs and expenses of the improvements or any of them in such manner as they may think proper between the improvements account and any separate account which they may keep in relation to tramways. Apportionment of expenses of certain improvements.

59. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general or special county purposes within the meaning of the Local Government Act 1888 as the Council may decide. . . . *[Part omitted (as to expenses of obtaining this Act) spent.]* As to payments under this Act.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

LANDS FOR GENERATING STATION.

(1) Lands in the parish of Greenwich bounded on the south or south-east by Old Woolwich Road on the north-east by Hoskins Street and on the west and north-west by the tramway depôt of the Council.

(2) Lands in the same parish lying to the northward of the said tramway depôt bounded on the south-west and south-east by lands belonging to the Council on the north-west by Crowley's Wharf and on the north-east by the thoroughfare in continuation of Hoskins Street to Crowley's Wharf.

(3) Lands in the same parish now belonging to the Council and bounded by Crowley's Wharf and the River Thames on the north-west Hoskins Street and the rear of premises in Hoskins Street on the north-east Woolwich Road on the south-east and Trinity Hospital on the south-west.

SECOND SCHEDULE. *[Description of properties of which portions only are required to be taken by the Council.]*

3 EDWARD VII. A.D. 1903.

CHAPTER 17.

AN ACT TO AMEND THE METROPOLITAN STREETS ACT, 1867.

[11th August 1903.]

1. The power to make regulations conferred by section eleven of the Metropolitan Streets Act, 1867, shall extend to the making of regulations to be observed by all persons within the general limits of that Act with respect to the places where and the conditions under which persons may collect money in any street for charitable or other purposes. Regulation of street collections. 30 & 31 Vict. c. 134.

2. This Act may be cited as the Metropolitan Streets Act, 1903, and shall be construed as one with the Metropolitan Streets Act, 1867, the Metropolitan Streets Act Amendment Act, 1867, and the Metropolitan Streets Act, 1885; and those Acts and this Act may be cited together as the Metropolitan Streets Acts, 1867 to 1903. Short title and construction. 30 & 31 Vict. c. 134. 31 & 32 Vict. c. 5. 48 & 49 Vict. c. 18.

CHAPTER 24.

AN ACT TO EXTEND AND ADAPT THE EDUCATION ACT, 1902, TO LONDON.
[14th August 1903.]

Application of Education Act, 1902, to London.

Provisions as to management and sites of provided schools.

1. The Education Act, 1902* (in this Act referred to as the principal Act), shall, so far as applicable, and subject to the provisions of this Act, apply to London.

2.—(1) Every public elementary school provided by the local education authority within the area of any metropolitan borough shall have a body of managers. The number of those managers and the manner in which schools, in cases where it is desirable, should be grouped under one body of managers shall be determined by the council of each borough, after consultation with the local education authority, and subject to the approval of the Board of Education.

Two-thirds of every such body shall be appointed by the borough council and one-third by the local education authority; but due regard shall be had in selecting managers to the inclusion of women in the proportion of not less than one-third of the whole body of managers, and, in the case of the first body of managers, also of members chosen from the then existing bodies of managers, and the borough council and the local education authority shall carry out any directions given by the Board of Education for the purpose of giving effect to this provision.

(2) The site of any new public elementary school to be provided by the local education authority shall not be determined upon until after consultation with the council of the metropolitan borough in which the proposed site is situated, and in the case of compulsory purchase, if the council of the metropolitan borough does not concur in the proposed compulsory acquisition, the Board of Education shall not make the order authorising the purchase unless they are satisfied that the concurrence of the council of the borough should be dispensed with: Provided that, except in the case of compulsory acquisition, the site required for the enlargement of a public elementary school shall not be deemed to be a site required for a new public elementary school within the meaning of this subsection.

(3) Schools provided by the local education authority for blind, deaf, epileptic, and defective children, and any other schools which, in the opinion of the Board of Education, are not of a local character, shall not be treated for the purposes of this section as public elementary schools. [See the *Elementary Education (Blind and Deaf Children) Act 1893*, and the *Elementary Education (Defective and Epileptic Children) Act 1899*.]

Boundary schools.

3.—(1) As from the passing of this Act, any public elementary school provided by the London School Board before the passing of this Act, which is wholly or partly situated outside the county of London, shall, for the purposes of this Act, be treated as, and for the purposes of the principal Act be deemed to have been, wholly situated within the county of London and within the nearest metropolitan borough.

(2) Any public elementary school provided by the local education authority which is situated partly in one metropolitan borough and partly in another shall, for the purposes of this Act, be deemed to be situated in such one of those boroughs as the local education authority determine.

* See Appendix.

4.—(1) The modifications of the principal Act set out in the First Schedule to this Act shall have effect for the purposes of this Act. Modification of principal Act and interpretation.

(2) The expression “metropolitan borough”* in this Act shall include the City, and the expression “council of a metropolitan borough” shall include the Mayor, Aldermen, and Commons of the City of London in common council assembled.

5.—(1) This Act shall, except as expressly provided, come into operation on the appointed day, and the appointed day shall be the first day of May nineteen hundred and four, or such other day, not being more than twelve months later, as the Board of Education may appoint, and different days may be appointed for different purposes and for different provisions of this Act. [See Sch. I. 10]. Commencement, repeal, and short title.

(2) In addition to the repeals effected by the principal Act, the Acts mentioned in the Second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

(3) This Act may be cited as the Education (London) Act, 1903; and the Education Acts, 1870 to 1902, and this Act may be cited as the Education Acts, 1870 to 1903.

SCHEDULES.

FIRST SCHEDULE.

Section 4.

MODIFICATIONS OF THE PRINCIPAL ACT.

1. References in the principal Act to the council of a borough shall not be construed as references to the council of a metropolitan borough, except—

(a) in paragraph (a) of section twenty (relating to arrangements between councils) and in subsection two of section twenty-four (relating to interpretation); and

(b) as respects the borough of Woolwich, so far as is necessary to enable the council of that borough to make any contribution which they are authorised to make under section nineteen of the London Government Act, 1899.

2. The provisions of section two of the principal Act, as to limit of rate, shall not apply.

3. Subsection one of section six of the principal Act (relating to the management of schools), and so much of section twelve of that Act (relating to the grouping of schools under one management) as relates to public elementary schools provided by the local education authority, shall not apply.

4. The provisos to subsection one of section eighteen of the principal Act (relating to expenses), and subsection two of section thirteen of that Act (relating to endowments), shall not apply, but the Board of Education may, on the application of the Trustees of the endowment, or of the local education authority, direct that any money which would be payable under the said section thirteen to the county council shall be applied in manner provided by a scheme made by the Board if the Board consider that it is expedient to make such a scheme. In any such scheme, due regard shall primarily be had to the interests of the locality for which the benefits of the endowment were intended.

5. The words “a county council” in section nineteen of the principal Act (which relates to borrowing) shall, as respects borrowing by the local education authority, be construed as if they were “the London County Council.”

6. Section twenty-seven of the principal Act (relating to extent, commencement, and short title) shall not apply except so far as subsection three of that section is already applicable to London, and the words “the appointed day” shall be substituted for “the twenty-sixth day of March nineteen hundred and four” in that subsection.

7. Where the London County Council delegate to their education committee any powers, and the acts and proceedings of the committee as respects the

* See 62 & 63 Vict. c. 11.

exercise of those powers are not required to be submitted to the Council for their approval, subsection one of section two hundred and thirty-three of the Municipal Corporations Act, 1882* (which provides for the inspection and the taking of copies of minutes) shall apply to the minutes of the committee relating to the exercise of those powers as it applies to the minutes of the Council.

8. The Treasury shall be substituted for the Local Government Board in paragraph six of the Second Schedule to the principal Act.

9. Where governors or managers are appointed by the local education authority on the governing body of any institution aided by grant from the local education authority, the provisions of the scheme or trust deed of the institution imposing any limit on the number of the members of the governing body, or requiring any qualification for those members, shall not apply as respects such governors or managers.

10. References in the principal Act to the passing of that Act shall be construed as references to the passing of this Act.

11. A manager of a public elementary school provided by the local education authority shall not be appointed for a longer period than three years, but may be re-appointed.

SECOND SCHEDULE.

Section 5.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. 75.	The Elementary Education Act, 1870.	The definition of "metropolis" in section three. Sections thirty-seven, thirty-eight, and thirty-nine. Section fifty-eight. The Third Part of the Second Schedule, and the Fifth Schedule.
36 & 37 Vict. c. 86.	The Elementary Education Act, 1873.	Section sixteen.
48 & 49 Vict. c. 38.	The School Boards Act, 1885.	Section two.

CHAPTER LXXXI.

AN ACT TO CONFIRM A PROVISIONAL ORDER OF THE LOCAL GOVERNMENT BOARD RELATING TO THE COUNTIES OF LONDON AND SURREY.
[21st July 1903.]

[Preamble.]

Order
in Schedule
confirmed.
Short title.

1. The Order as altered and set out in the Schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force.

2. This Act may be cited as the Local Government Board's Provisional Order Confirmation (No. 16) Act 1903.

SCHEDULE.

COUNTIES OF LONDON AND SURREY.

Provisional Order made in pursuance of Sections 54 and 59 of the Local Government Act 1888 for altering the Boundary between Counties.
London and Surrey Order.

To the Justices of the Peace for the County of London in Quarter Sessions assembled :—

To the London County Council :—

To the Justices of the Peace for the County of Surrey in Quarter Sessions assembled :—

* See Appendix.

London and Surrey Order.

To the County Council of Surrey ;—
 To the Sheriffs of the Counties of London and Surrey ;—
 To the Mayor Aldermen and Councillors of the Metropolitan Borough of Wandsworth ;—
 To the School Board for London ;—
 To the Guardians of the Poor of the Croydon Union and of the Wandsworth and Clapham Union ;—
 To the Rural District Council of Croydon ;—
 To the Parish Council of Mitcham ;—
 To the Overseers of the Poor of the Parish of Mitcham ;—
 To the School Board for the Parish of Mitcham or the Local Education Authority as the case may be ;—
 To the Board of Management of the North Surrey District School ;—
 To the Board of Management of the Metropolitan Asylum District ;—
 To the Croydon and Wimbledon Joint Small-pox Hospital Board ;—
 And to all others whom it may concern.

[*Recital of s. 54 of 51 & 52 Vict. c. 41, and that the parish of Tooting Graveney forms part of the county of London, and is included in the Wandsworth Electoral Division, the South-Western Coroner's District, and the Wandsworth Petty-Sessional Division of that county, and in the division assigned to the South-Western Police Court within the Metropolitan Police District; and that the parish of Mitcham forms part of the county of Surrey, and is included in the Mitcham Electoral Division, the Reigate Coroner's District, and the Croydon Petty Sessional Division of that county; and that the parish of Tooting Graveney is included in the Wandsworth and Clapham Union, and the parish of Mitcham in the Croydon Union; and that the metropolitan borough of Wandsworth is a metropolitan borough within the meaning of 62 & 63 Vict. c. 14, and includes the parish of Tooting Graveney; and that the said borough is divided into nine wards for the purpose of the election of councillors, and that the Tooting Ward therein includes the parish of Tooting Graveney, and that 3 councillors are assigned to that ward; and that the Baths and Washhouses Acts 1846 to 1896 and the Public Libraries Acts 1892 to 1901 are administered by the Council of the said Metropolitan Borough uniformly throughout the parishes comprised in the metropolitan borough, and the said metropolitan borough forms a single district for the purposes of those Acts; and that in pursuance of 62 & 63 Vict. c. 14 it is proposed that a scheme shall provide for the union of the several parishes comprised in the said metropolitan borough so as to form one parish, and also for other purposes being matters to be regulated by a scheme under 62 & 63 Vict. c. 14, or purposes for which such a scheme may be made or may provide;* and that the parish of Mitcham is a contributory place in the rural district of Croydon, and is subject to the jurisdiction of the Rural District Council of Croydon; and that the Rural District Council of Croydon have adopted the provisions of the Infectious Disease (Prevention) Act 1890, and Part III. of the Public Health Acts Amendment Act 1890, which are applicable to rural districts; and that the parish of Mitcham is a rural parish within the meaning of the Local Government Act 1894 for which a parish council has been established; and that the Lighting and Watching Act 1833 and the Burial Acts 1852 to 1901 have been adopted for the parish of Mitcham and that the parish council of that parish is the authority for the execution of those Acts; and that by the Croydon and Wimbledon Joint Small-pox Hospital Order 1898, which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1898, certain districts therein referred to, including the rural district of Croydon, were formed into a united district called the Croydon and Wimbledon Joint Small-pox Hospital District for the purposes of the provision, maintenance, and management of a hospital or hospitals for the reception of cases of small-pox; and that by a Provisional Order to be submitted to Parliament for confirmation during the present session† it is proposed to alter the last-mentioned Act so far as that Act relates to the Croydon and Wimbledon Joint Small-pox Hospital Order 1898, and to provide for the extension of the Croydon and Wimbledon Joint Small-pox Hospital District.]*

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 54 and 59 of the Local Government Act 1888 and by any other enactments in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the following provisions shall take effect :—

51 & 52 Vict.
c. 41

* See the Borough of Wandsworth (Union of Parishes) Scheme 1903, made under 62 & 63 Vict. c. 14, which became operative on the 1st April 1904.

† See the Local Government Board's Provisional Orders Confirmation (No. 8) Act, 1903. (3 Edw. 7, c. cxxvi.)

London and Surrey Order. Art I. In this Order the following expressions shall unless the contrary intention appears have the meanings hereby respectively assigned to them that Definitions. is to say,—

- (1) The expression "the commencement of this Order" means the first day of April one thousand nine hundred and four;
- (2) The expression "the existing borough" means the metropolitan borough of Wandsworth as it existed immediately prior to the commencement of this Order;
- (3) The expression "the borough" means the existing metropolitan borough of Wandsworth as altered by this Order;
- (4) The expression "the Borough Council" means the Mayor Aldermen and Councillors of the existing borough or of the borough (as the context may require);
- (5) The expressions "the rural district" and "the Rural Council" mean respectively the rural district of Croydon and the Rural District Council of that district;
- (6) The expression "the maps" means the three maps each marked "Map showing the alteration of the boundary between the Counties of London and Surrey 1903" and sealed with the official seal of the Local Government Board;
- (7) The expression "the Tooting Graveney areas" means the parts of the existing parish of Tooting Graveney which are coloured green on the maps;
- (8) The expression "the Mitcham area" means the part of the existing parish of Mitcham which is coloured pink on the maps;
- (9) The expressions "the Act of 1888" "the Act of 1894" and "the Act of 1899" mean respectively the Local Government Act 1888 the Local Government Act 1894 and the London Government Act 1899;
- (10) The expression "the Scheme" means as the case may be the Scheme or any provisions of the Scheme which at the date of this Order it is proposed in pursuance of the Act of 1899 to prepare and settle for the formation of a parish by the union of the several parishes comprised in the existing Borough and for other matters and purposes mentioned in the Act of 1899;*
- (11) The expression "the metropolitan parish" means . . . the parish formed and constituted by the Scheme if the Scheme is confirmed and becomes operative before or at the commencement of this Order. . . . [*Parts omitted (provisions in the event of the scheme not becoming operative at the commencement of this Order).*]
- (12) The expression "the Wandsworth and Clapham Union" means the poor law union as constituted and known under that style or name at the date of this Order and if the Scheme is confirmed and becomes operative before or at the commencement of this Order includes that poor law union as constituted under any style or name mentioned in and assigned by the Scheme.

Commence-
ment of
Order.
Date of
operation
of Order for
lists of
electors etc.

Art II. This Order shall except so far as is otherwise herein expressly provided and so far as there may be anything in the subject-matter or context inconsistent therewith come into operation on the first day of April one thousand nine hundred and four:

Provided as follows:—

- (1) For the purpose of the enactments and provisions relating to the relief of the poor and of all such other enactments and provisions as relate to the powers duties and expenses of boards of guardians of the managers of the Metropolitan Asylum District and of the managers of school districts and for the purpose of assessing on poor law unions the sums to be contributed by them to the Metropolitan Common Poor Fund† this Order shall operate on the twenty-sixth day of March one thousand nine hundred and four:

- (2) [*This Order to come into operation at such earlier date as may be necessary for the purposes of any election of county councillors in 1904, or of any ordinary election of guardians or of rural district councillors in that year. Spent.*]

* See the Borough of Wandsworth (Union of Parishes) Scheme 1903, made under 62 & 63 Vict. c. 14.

† See 30 & 31 Vict. c. 6, s. 61.

Art. III. The boundary between the counties of London and Surrey shall be altered as follows:—

- (a) The Tooting Graveney areas shall cease to form part of the administrative county of London and shall form part of the administrative county of Surrey; and
- (b) The Mitcham area shall cease to form part of the administrative county of Surrey and shall form part of the administrative county of London.

Art. IV.—(1) One of the maps shall be deposited in the office of the Local Government Board one shall be deposited by the clerk to the London County Council at the office of that Council and the other shall be deposited by the clerk to the County Council of Surrey at the office of that Council within fourteen days after the date of this Order. Copies of the map deposited with the clerk to the London County Council certified by him to be true shall be sent within one month after the date of the Act of Parliament confirming this Order to the town clerk of the existing borough to the clerk to the Rural Council to the sheriffs of the counties of London and Surrey and to the Board of Agriculture.

(2) Copies of or extracts from the map deposited with the clerk to the London County Council certified by him to be true shall be received in all courts of justice and elsewhere as *prima facie* evidence of the contents of such map so far as the same relates to the alteration in pursuance of this Order of the boundary between the counties of London and Surrey and such map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the parishes affected by this Order and any such person shall be entitled to a copy of or extract from such map certified by the clerk to the London County Council to be true on payment of a reasonable fee for every such copy or extract. All sums received under this Article shall be carried to the credit of the county fund of the county of London.

Art V. Lists of prisoners writs process and particulars and all records and documents relating to or to be executed in connexion with any action or proceeding pending or existing at the commencement of this Order and appertaining to the Tooting Graveney areas or the Mitcham area shall be delivered turned over or transferred and signed in like manner in all respects so nearly as circumstances admit as is required to be done upon a new sheriff coming into office in like manner as if the sheriff of the county to which the said areas or area are or is hereby added were as respects those areas or that area the new sheriff in succession to the sheriff of the county from which the areas or area are or is transferred.

Art VI.—(1) The Tooting Graveney areas shall be included in the Croydon petty sessional division of the county of Surrey until the quarter sessions of that county otherwise direct and shall be included in the Reigate coroner's district of that county subject to any alteration which may be made in that district.

(2) The Mitcham area shall be included in the Wandsworth petty sessional division of the county of London until the quarter sessions of that county otherwise direct and shall be included in the South-Western coroner's district of that county subject to any alteration which may be made in that district.

(3) The Tooting Graveney areas shall cease to form part of any division assigned to a police court within the metropolitan police district and the Mitcham area shall be included in the division assigned to the South-Western Police Court within the metropolitan police district.

(4) [As to continuance of proceedings for offences committed in the Tooting Graveney areas or in the Mitcham area and proceedings begun in any metropolitan police court or before any justice or justices before the commencement of this Order in relation to any matter arising in or concerning any part of these areas respectively.]

Art VII. Subject to the provisions of section 54 of the Act of 1888 the Tooting Graveney areas shall be included in the Mitcham electoral division of the county of Surrey and the Mitcham area shall be included in the Wandsworth electoral division of the county of London.

Art. VIII.—(1) The Tooting Graveney areas shall cease to form part of the existing borough and shall be added to the rural district and the persons who immediately prior to the commencement of this Order are the rural district councillors representing the said parish of Mitcham shall be deemed to represent that parish as hereby altered as if they had been originally elected to represent the altered parish.

(2) The Mitcham area shall cease to form part of the rural district and shall be added to the existing borough and included in the Tooting ward of the borough and the persons who immediately prior to the commencement of this

London and Surrey Order.

Alteration of county boundaries.

Deposit of maps.

Copies of map to be evidence.

Transfer of lists of prisoners etc.

coroner's districts and metropolitan police court district.

Electoral Divisions.

Alteration of borough and rural district.

London and Surrey Order. Order are the borough councillors representing that ward shall be deemed to represent that ward as hereby altered as if they had been originally elected to represent the altered ward.

County electors' lists etc. Art. IX.—(1) For the purposes of the lists of county electors the county registers and other lists to be made under the County Electors Act 1888 and the Acts amending the same and all matters in relation thereto the Tooting Graveney areas shall be deemed to have always been parts of the county of Surrey and the Mitcham area shall be deemed to have always been part of the county of London.

(2) [*Proriso that for the purposes of the parliamentary register of electors, of the local government register of electors, of the register of parochial electors, and of jury lists in force at the commencement of this Order the counties of London and Surrey and (subject to the Scheme if the Scheme is confirmed and becomes operative before or at the commencement of this Order) the metropolitan parish and the parish of Mitcham shall continue unaltered till the new registers and lists come into operation.*]

Application to transferred areas of law in force in parishes to which transferred. Art. X.—(1) Subject to the provisions of this Order all Acts whether general or local which do not apply to the existing parish of Mitcham shall be repealed so far as they apply to the Tooting Graveney areas and all Acts whether general or local which at the commencement of this Order apply to and are in force in the existing parish of Mitcham shall apply to and be in force in the Tooting Graveney areas in like manner as to and in the rest of the parish of Mitcham.

(2) Subject to the provisions of this Order of the London (Miscellaneous) Scheme and of the Scheme if the Scheme is confirmed and becomes operative before or at the commencement of this Order all Acts whether general or local which do not apply to the metropolitan parish shall be repealed so far as they apply to the Mitcham area and all Acts whether general or local which apply to and are in force in the metropolitan parish shall apply to and be in force in the Mitcham area in like manner as to and in the rest of the metropolitan parish.

Byelaws etc. Art. XI. Subject to the provisions of this Order and of the Scheme if the Scheme is confirmed and becomes operative before or at the commencement of this Order—

(1) All byelaws orders and regulations and every list of tolls and table of fees and payments and scale of charges made by the London County Council or the Metropolitan Board of Works which at the commencement of this Order are in force in the metropolitan parish shall from and after that date apply to and be in force within the Mitcham area and all byelaws orders and regulations and every list of tolls and table of fees and payments and scale of charges made by the County Council of Surrey which on the said date are in force in the parish of Mitcham shall from and after that date apply to and be in force within the Tooting Graveney areas and any such byelaws orders regulations list of tolls and table of fees and payments and scale of charges in force immediately before the said date in the Tooting Graveney areas or the Mitcham area shall on that date cease to be in force;

(2) All byelaws and regulations and every list of tolls and table of fees and payments and scale of charges made by the Borough Council or any authority whose powers and duties have been transferred to the Borough Council or by the Rural Council or their predecessors which at the commencement of this Order are in force in the existing borough or in the existing parish of Mitcham as the case may be shall thenceforth apply to the borough or to the parish of Mitcham as hereby altered as the case may be until or except in so far as any such byelaws or regulations or list of tolls or table of fees and payments or scale of charges may be altered or repealed and all byelaws and regulations and every list of tolls and table of fees and payments and scale of charges in force immediately before the commencement of this Order in the Tooting Graveney areas or the Mitcham area shall on that date cease to be in force;

(3) As regards any work to which the provisions of the London Building Acts 1894 and 1898 and the byelaws regulations and tables of fees of the London County Council made thereunder apply which shall have been commenced before the commencement of this Order and as regards any work to which the said provisions byelaws regulations and tables of fees apply the construction or erection of which shall have been duly sanctioned or approved before the commencement of this Order in pursuance of those provisions byelaws or regulations or the construction or erection of which in pursuance of those provisions byelaws and regulations is to be deemed to have been sanctioned or approved before the commencement of this Order the said provisions byelaws regula-

tions and tables of fees shall continue to apply as if the Tooting *London and Graveney areas continued to form part of the county of London and Surrey Order.* as if the Rural Council were a local authority within the meaning of those provisions byelaws and regulations :

- (4) As regards any work commenced before the commencement of this Order or any work for which plans shall either have been approved by the Rural Council before that date or shall have been sent to the surveyor or clerk to the Rural Council one month at least before that date and shall not have been disapproved by that Council the byelaws in force immediately before the said date shall continue to apply until the completion of such work in like manner and with the like effect as if such byelaws had been made by the Borough Council and as if the Borough Council and the borough were referred to therein instead of the Rural Council and the rural district respectively.

[Part omitted (provisions as to proceedings for any offence committed before the said date against any byelaws made by the Rural Council or their predecessors and in force on that date in the Mitcham area) spent.]

Art. XII.—(1) The provisions of section 120 of the Act of 1888 shall apply to any officer of the County Council of London or Surrey who by virtue of this Order or of anything done in pursuance or in consequence thereof suffers any such direct pecuniary loss as is in that section mentioned. Compensation to existing officers.

(2) Every other officer and servant who by virtue of this Order or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary shall be entitled to have compensation paid to him for such pecuniary loss and in determining such compensation regard shall be had to the conditions and other circumstances required by sub-section (1) of section 120 of the Act of 1888 to be had in regard in cases of compensation under that section and the compensation shall not exceed the limit therein mentioned. A joint committee of the County Councils of London and Surrey shall determine to what local authority application shall be made for compensation and out of what fund such compensation if any shall be paid by that authority and the provisions of sub-sections (2) to (7) of the said section 120 shall apply with the substitution of the "authority" for the "County Council" and with such other alterations if any as may be required.

Art. XIII. The town clerk and all other officers and servants of the Borough Council and the clerk and all other officers and servants of the Rural Council who hold office at the commencement of this Order shall continue to be the town clerk and officers and servants of the Borough Council or the clerk and officers and servants of the Rural Council as the case may be and shall hold their offices by the same tenure as at that date. Town clerk and other officers continued.

Art. XIV.—(1) *[Transitory provisions as to pending actions or existing causes of action.]*

(2) Anything duly done or suffered and all contracts deeds bonds agreements and other instruments (subsisting at the commencement of this Order) entered into or made by the London County Council or the Borough Council in relation exclusively to any part of the Tooting Graveney areas or by the Surrey County Council or the Rural Council in relation exclusively to any part of the Mitcham area shall be of as full force and effect against or in favour of the Surrey County Council or the Rural Council or of the London County Council or the Borough Council as the case may be and may be continued and enforced as fully and effectually as if in the one case instead of the London County Council or the Borough Council the Surrey County Council or the Rural Council and in the other case instead of the Surrey County Council or the Rural Council the London County Council or the Borough Council had done or suffered the same or been a party thereto. Saving for contracts etc.

Art. XV. All property vested in the Borough Council at the commencement of this Order for the benefit of the existing borough shall be held by the Borough Council for the benefit of the borough and the Borough Council shall hold enjoy and exercise for the benefit of the borough all the powers which at the date aforesaid are exercisable by or vested in the Borough Council for the benefit of the existing borough and all liabilities which at the commencement of this Order attach to the Borough Council in respect of the existing borough shall from and after that date attach to them in respect of the borough. Borough Council property etc.

Art. XVI. Subject to the provisions of this Order—

- (1) All property and liabilities which immediately before the commencement of this Order are vested in or attach to the Borough Council in relation exclusively to the Tooting Graveney areas shall be Property etc. of Borough Council and Rural Council

London and Surrey Order.
in relation to transferred areas.

Cesser of jurisdiction of Borough Council and Rural Council.

Urban powers in force in Mitcham.

Alteration of metropolitan asylum district and North Surrey school district.

Mortgage debts of authorities affected by the Order.

Alteration of burial area.

Saving rights of burial.

Alteration of area under the Lighting and Watching Act 1833.

transferred to vested in and attach to the Rural Council and any property and liabilities which immediately before the commencement of this Order are vested in or attach to the Rural Council in relation exclusively to the Mitcham area shall be transferred to vested in and attach to the Borough Council and any property and liabilities vested in or attached to the Borough Council or the Rural Council in relation to any part of the Tooting Graveney areas or to the Mitcham area as the case may be conjointly with the remainder of their respective districts or of part thereof shall be a matter for adjustment under section 62 of the Act of 1888 :

- (2) The Borough Council and the Rural Council shall respectively at the commencement of this Order cease to exercise any powers or have any duties within any area separated by this Order from their district.

- (3) [*As to arrears of rates due at the commencement of this Order.*]

Art. XVII. All the powers rights duties capacities liabilities and obligations of an urban district council with which the Rural Council are invested in pursuance of any Order issued by the Local Government Board under the Public Health Acts in respect of the contributory place of Mitcham shall be deemed as from the commencement of this Order to vest in and attach to the Rural Council in respect of the contributory place of Mitcham as altered by this Order.

Art. XVIII.—(1) [*The Croydon and Wimbledon Joint Small-pox Hospital District to be altered by the exclusion therefrom of the Mitcham area and by the inclusion therein of the Tooting Graveney areas.*]

(2) The metropolitan asylum district and the North Surrey school district shall be respectively altered by the exclusion therefrom of the Tooting Graveney areas and by the inclusion therein of the Mitcham area.

Art. XIX. So much of any sums borrowed by any authority whose district is altered by this Order as will at the commencement of this Order be owing and charged upon any fund or rate of the existing district of the authority shall be charged upon the same fund or rate of the district as altered by this Order and all such sums shall together with the interest to accrue due thereon be repaid by such authority within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

Art. XX.—(1) [*The Tooting Graveney areas to cease to form part of and the Mitcham area to be included in and form part of the district of the London School Board. See 2 Edw. 7, c. 42, and 3 Edw. 7, c. 24.*]

(2) For the purposes of the Elementary Education Acts 1870 to 1900 any byelaws made by the School Board for London in force at the commencement of this Order shall thenceforth apply to the Mitcham area until revoked or altered and any byelaws previously in force shall cease to be in force in that area. [*See 2 Edw. 7, c. 42, Sch. II, (8).*]

(3) [*For the purposes of the Education Acts 1870 to 1902 byelaws in force within the parish of Mitcham to apply to the Tooting Graveney areas, and any byelaws previously in force to cease to be in force in the Tooting Graveney areas.*]

Art. XXI.—(1) (a) Subject to the provisions of the Scheme if the Scheme is confirmed and becomes operative before or at the commencement of this Order the Borough Council shall be the burial board for the borough and shall have within the borough to the exclusion of any other burial authority all the powers rights duties and liabilities of a Burial Board under the Burial Acts 1852 to 1900 :

(b) The Tooting Graveney areas shall be included in and form part of the area over which the powers and duties of the authority under the Burial Acts 1852 to 1900 are exercisable by the Parish Council of Mitcham and the Mitcham area shall cease to form part of that area :

(c) Nothing in this Order shall prejudice or affect any right of burial which any parishioner or inhabitant of the Tooting Graveney areas or of the Mitcham area may have acquired prior to the commencement of this Order in relation to any existing burial ground or any exclusive right of burial or any right of one or more burials or any right of placing any monument tablet or gravestone or any similar right which any person may have acquired prior to the commencement of this Order in relation to any existing burial ground.

(2) The Tooting Graveney areas shall be included in and form part of the area over which the powers and duties of the authority under the Lighting and Watching Act 1833 are exercisable by the Parish Council of Mitcham.

Art. XXII.—(1) The Tooting Graveney areas shall cease to form part of the metropolitan parish and shall be amalgamated with the parish of Mitcham. *London and Surrey Order.*

(2) The Mitcham area shall cease to form part of the parish of Mitcham and shall be amalgamated with the metropolitan parish. *Alteration in areas of parishes.*

(3) If the Scheme is confirmed and becomes operative before or at the commencement of this Order for the purpose of the election of guardians the Mitcham area shall be included in and form part of that ward of the metropolitan parish which in pursuance of the Scheme will comprise the area or the greater part of the area of the parish of Tooting Graveney as existing at the commencement of the Scheme and the persons who immediately before the commencement of this Order are the guardians representing the said ward shall be deemed to represent that ward as altered by this Order as if they had originally been elected to represent the altered ward.

(4) *[Provision in the event of the Scheme not becoming operative at the commencement of this Order.]*

Art. XXIII. Nothing in this Order shall affect the ecclesiastical divisions of any parish or shall prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment which now is applicable for the benefit of either of the existing parishes of Tooting Graveney or Mitcham. *Saving for ecclesiastical divisions and charities.*

Art. XXIV. The Parish Council of Mitcham shall be deemed to have been elected and shall be the Parish Council for that parish as altered by this Order. *Parish Council.*

Art. XXV. Subject to any future revision the basis or standard of county rate for the county of Surrey shall be deemed to be altered as follows:— *County rate basis.*

(1) By the addition to the basis or standard for the county of Surrey in respect of the parish of Mitcham of the sum which represents the assessable value of the property in the Tooting Graveney areas and by the deduction from that basis or standard in respect of the parish of Mitcham of such a sum as will represent the annual value of the property in the Mitcham area;

(2) For the purposes of this Article the sum which will represent the annual value of the property in the Mitcham area shall be the amount which in relation to the amount appearing in the basis or standard of county rate as the total annual value of the existing parish of Mitcham is in the same proportion as the assessable value of the property in the area bears to the total assessable value of property in the existing parish;

(3) For the purposes of this Article assessable value means one-half of the rateable value according to the valuation list for the time being in force of the agricultural land together with the rateable value according to such list of the unbuildings and other hereditaments not being agricultural land in the existing parish or the Tooting Graveney areas or the Mitcham area as the case may require.

Art. XXVI.—(1) If the Scheme is confirmed and becomes operative before or at the commencement of this Order—

(a) The valuation list of the metropolitan parish shall be altered by the omission of all reference to the rateable hereditaments in the Tooting Graveney areas and the valuation list of the parish of Mitcham shall be altered by the omission of all reference to the rateable hereditaments in the Mitcham area;

(b) *[The portion of the Mitcham valuation list relating to the Mitcham area for the purposes of the Valuation (Metropolis) Act 1869 and amending Acts to form a supplemental valuation list for the metropolitan parish, coming into force on 6th April 1904. Spent.]*

(c) The portion of the valuation list of the metropolitan parish which will at the commencement of this Order relate to hereditaments in the Tooting Graveney areas shall until a new valuation list for the parish of Mitcham is in force form part of the valuation list of the parish of Mitcham.

(2) *[Provisions in the event of the Scheme not becoming operative at the commencement of this Order.]*

(3) Subject to the provisions of the Scheme if the Scheme is confirmed and becomes operative before or at the commencement of this Order the Assessment Committees of the Wandsworth and Clapham Union and the Croydon Union shall take all necessary steps to give effect to the provisions of this Article.

(4) Where any difficulty arises in giving effect to the provisions of this Article and in the opinion of the Local Government Board the circumstances so require the Local Government Board may make any such order as appears to them to be necessary to give effect to the provisions of this Article and may by the said order vary so far as is requisite any provisions in force with regard to

London and Surrey Order. any list or matter to which this Article relates and any order made in pursuance of this subdivision shall have effect as if it were enacted in and formed part of this Order.

Settlement of paupers. Art. XXVII.—(1) Every person who has acquired or who on or before the commencement of this Order shall acquire a settlement in any existing parish affected by this Order shall be deemed to have acquired a settlement in the parish comprising the area in which the acts or circumstances conferring such settlement shall have been done or occurred. If such acts or circumstances shall have been done or occurred in more than one parish such settlement shall be in the parish comprising the place of residence of such person at the time of acquiring such settlement.

Irremovability of paupers. (2) Any person who shall have acquired a status of irremovability from any existing parish affected by this Order shall be deemed to have acquired a status of irremovability from the parish comprising the area in which he shall reside at the commencement of this Order or (if he shall then be in receipt of relief) from the parish comprising the area in which he was residing at the time of becoming chargeable.

(3) For all purposes of settlement and removal residence prior to the commencement of this Order in either of the Tooting Graveney areas or the Mitcham area shall be deemed to have been residence in the parish in which the area is included by this Order.

Art. XXVIII. [*Saving for existing contribution orders of the Guardians of the Wandsworth and Clapham Union and the Croydon Union and of the Rural Council issued before the commencement of this Order. Spent.*]

Art. XXIX. [*As to the preparation of future contribution orders in respect of the half-year ending 30th September 1904. Spent.*]

Art. XXX. [*As to arrears of rates in Mitcham. Spent.*]

Short title. Art. XXXI. This Order may be cited as the Counties of London and Surrey (Wandsworth and Mitcham) Order 1903.

Given under the Seal of Office of the Local Government Board this
Fourteenth day of May One thousand nine hundred and three.

(L.S.)

WALTER H. LONG President.
S. B. PROVIS Secretary.

CHAPTER CLXXXVII.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO PURCHASE LANDS TO EXTEND THE TIME FOR COMPLETION OF CERTAIN WORKS TO EMPOWER THE METROPOLITAN BOROUGH COUNCILS OF CAMBERWELL AND KENSINGTON TO EXECUTE WORKS AND PURCHASE LANDS TO MAKE PROVISION WITH RESPECT TO PREMISES USED FOR RECEIVING HORSES FOR SLAUGHTER AND CARCASSES OF DEAD HORSES AND THE REMOVAL AND DISPOSAL OF DEAD HORSES TO MAKE PROVISION WITH RESPECT TO THE DRAINAGE OF UPPER NORWOOD TO CONFER POWERS UPON METROPOLITAN BOROUGH COUNCILS WITH RESPECT TO STREET MARKETS AND THE PROVISION AND MAINTENANCE OF PUBLIC CLOCKS AND FOR OTHER PURPOSES. [11th August 1903.]

[*Preamble.*]

PART I.

INTRODUCTORY.

Short title. 1. This Act may be cited as the London County Council (General Powers) Act 1903.

Division of Act into parts. 2. This Act is divided into parts as follows :—

Part I.—Introductory.

Part II.—Purchase of Lands by Council.

Part III.—General Powers as to Lands.

Part IV.—Powers to Council of the Metropolitan Borough of Camberwell.

Part V.—Powers to Council of the Royal Borough of Kensington.

Part VI.—Extension of Time.

Part VII.—Accommodation for Retail Street Vendors.

Part VIII.—Depôts for receiving Horses for Slaughter or Dead Horses and Removal of Dead Horses.

Part IX.—Drainage of Upper Norwood.

Part X.—Provision and Maintenance of Public Clocks by Metropolitan Borough Councils.

Part XI.—Financial and Miscellaneous.

3. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

“The Council” means the London County Council;

“The county” means the administrative county of London;

And the several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction.

4. The Lands Clauses Acts are (except where expressly varied by this Act) incorporated with and form part of Parts II. III. IV. and V. of this Act.

Interpreta-
tion.

Incorporation of
general
Acts.

Such of the provisions of the Railways Clauses Consolidation Act 1845 with respect to the construction of the railway and the works connected therewith and with respect to the temporary use of lands as are not inapplicable and section 4 of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of Part IV. of this Act.

Provided that for the purposes of Parts II. and III. of this Act sections 127 and 133 of the Lands Clauses Consolidation Act shall not apply to the lands therein referred to and the expressions “the promoters of the undertaking” and “the company” in the Lands Clauses Acts shall be construed to mean the Council and that for the purposes of Part V. of this Act the same expressions shall be construed to mean the Council of the Royal Borough of Kensington and that for the purposes of Part IV. of this Act the same expressions and the expression “the railway” in the Railways Clauses Consolidation Act 1845 and the Railways Clauses Act 1863 or either of them shall be construed to mean respectively the Council of the Metropolitan Borough of Camberwell and the bridge the construction of which is by this Act authorised.

PART II.

PURCHASE OF LANDS BY COUNCIL.

5. Subject to the provisions of this Act the Council may purchase and take for the purposes of the Metropolitan Fire Brigade Acts the lands in the county herein-after described and which are delineated on the deposited plans and described in the deposited book of reference viz.:—

Power to
take lands
for Fire
Brigade
purposes.

(a) Land in the parish and metropolitan borough of Lambeth bounded on the north-east side by Gresham Road on the north-west and south-west sides by vacant land and on the south side by Station Road:

- (b) Land in the parish of Plumstead and metropolitan borough of Woolwich bounded on the north side by High Street on the west side by Lakedale Road and on the east and south sides by other lands and premises in High Street and Lakedale Road respectively the said site comprising the premises known as Nos. 1 3 5 7 9 and 11 Lakedale Road aforesaid :
- (c) Land in the parish of Saint Mary Islington and metropolitan borough of Islington bounded on the south side by Copenhagen Street on the west side by Bemerton Street on the north side by lands and premises in Bemerton Street aforesaid and on the east side by other lands and premises in Copenhagen Street aforesaid the said site comprising the premises known as Nos. 158 160 162 and 164 Copenhagen Street.

PART III.

GENERAL POWERS AS TO LANDS.

6—10. [*As to acquisition of easements—Errors and omissions in plans, etc.—Power to the Council to enter and survey lands to be taken—As to arbitration—Compensation in respect of recently altered buildings.*]

11. [*Powers for the compulsory purchase of lands by the Council, limited to 3 years.*]

12—13. [*Power to the Council to lease surplus lands—As to sale of ground rents. Identical with 54 & 55 Vict. c. ccvi. ss. 28—29.*]

14. [*Power to the Council to sell lands without leasing. Identical with 57 & 58 Vict. c. clxxxv. s. 30.*]

15. [*Power to the Council to let or exchange lands. Identical with 54 & 55 Vict. c. ccvi. s. 31.*]

Council to dispose of lands within a certain period.

16. Any lands acquired by the Council under the powers of this Act except such as are required to be permanently retained for the purposes of this Act shall subject to the provisions of any future Act of Parliament be sold or disposed of by the Council within a period of sixty years from the first day of September next after the passing of this Act.

17. [*Receipts of Council to be effectual discharges. Identical with 54 & 55 Vict. c. ccvi. s. 33.*]

18. [*Restriction on taking houses of labouring class person.*]

PART IV.

POWERS TO COUNCIL OF THE METROPOLITAN BOROUGH OF CAMBERWELL.

19—27. [*Powers to the Council of the Metropolitan Borough of Camberwell to make and maintain a bridge over the Grand Surrey Canal, and provisions relating thereto, and to borrow a sum not exceeding £5,000 for such purposes. Amended 6 Edw. 7, c. cl. s. 32.—Period for completion of works limited to 5 years.*]

PART V.

POWERS TO COUNCIL OF THE ROYAL BOROUGH OF KENSINGTON.

28—47. [*Powers to the Council of the Royal Borough of Kensington to execute a widening of High Street, Notting Hill, on the southern side thereof between points respectively 1½ chains or there-*

abouts measured in a westerly direction from the Mall, and 1 chain or thereabouts measured in an easterly direction from Silver Street, and provisions relating thereto, and to borrow a sum not exceeding £27,500 for such purpose—Period for completion of works limited to 7 years.]

PART VI.

48—49. [*Extension till 12th August 1905 of the period for the completion of the works authorised by 61 & 62 Vict. c. cexxi. s. 4 (b) and (d), and the application of Part II. of the Railways Clauses Act 1863 to such extension—Further extension till 12th August 1906 authorised by 5 Edw. 7, c. cevi. s. 43. Spent.*]

PART VII.

ACCOMMODATION FOR RETAIL STREET VENDORS.

50. Where any commodities are exposed or offered for sale from stalls carts stands barrows or other like arrangements placed in or upon the roadway or footway of any street or public place within a metropolitan borough it shall be lawful for the council of that borough to provide any place at or near such roadway or footway (not being part of any highway or public place) for the carrying on of the sales or business conducted upon such roadway or footway. Such council may erect any buildings or shelters which they may think convenient for the purposes aforesaid and may for that purpose use any land belonging to them or may purchase or take on lease land.

Power to borough councils to provide accommodation for retail street vendors.

Any place building or shelter so provided shall be open for public use by persons resorting thereto upon such terms and subject to such regulations as may be prescribed by the borough council by resolution. Provided that such terms and regulations shall apply equally to all such persons in like circumstances and that in the use of the place building or shelter so provided no preference or priority shall be given to any person or class of persons. The provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875* shall apply to all regulations made by the council of a metropolitan borough under this section.

51. The exercise by the council of a metropolitan borough of the powers of this part of this Act shall not be deemed to prejudice or derogate from or construed as prejudicing or derogating from any estates rights interests privileges franchises or authorities of the mayor and commonalty and citizens of the City of London or their successors or the lord mayor of the said city for the time being.

Saving for Corporation of London.

52. The council of any metropolitan borough may for the purpose of carrying this part of this Act into effect borrow the requisite moneys and for the purpose of securing the repayment with interest of any moneys to be borrowed as aforesaid any such council may mortgage and assign all the moneys or rates authorised to be raised by them under the Metropolis Management Act 1855 and all the provisions of sections 183 to 189 of the last-mentioned Act as amended by any subsequent Act shall apply to any borrowing by the council of a metropolitan borough under this section of this Act. All moneys borrowed by the council of a metropolitan borough under this section shall be repaid within a period not exceeding ten years from the date or respective dates of borrowing.

Power to metropolitan borough councils to borrow money for purposes of Act.

* See Appendix.

PART VIII.

DÉPÔTS FOR RECEIVING HORSES FOR SLAUGHTER OR DEAD HORSES
AND REMOVAL OF DEAD HORSES.

Unlicensed premises not to be used for receiving horses for slaughter or dead horses.

53.—(1) From and after the passing of this Act it shall not be lawful for any person to use any yard building or other premises within the county for receiving or keeping horses for slaughter or the carcasses of dead horses unless he shall hold a licence from the Council to use such yard building or other premises for that purpose.

(2) The Council may grant such licences subject to such conditions as they may think fit and every such licence shall be subject to the provisions relating to granting and otherwise for the time being in force with respect to licences for keeping or using premises within the county as a slaughter-house or knacker's yard. Provided that no licence under this section shall extend to entitle the holder to carry on upon the premises in respect of which the same shall have been granted the business of a slaughterer of horses or knacker but the provisions of this section shall not be construed or deemed to prejudice or affect the right of any person for the time being lawfully carrying on any of such last-mentioned businesses to use under a licence from the Council and subject to the provisions of the Public Health (London) Act 1891 premises in the county as a slaughter-house or knacker's yard.

(3) Any person contravening the provisions of this section or any of the conditions subject to which his licence shall have been granted shall be liable on conviction to a penalty of not exceeding fifty pounds for every such offence and to a further penalty of not exceeding fifty pounds for every day during which such offence shall continue after conviction thereof.

[See 54 & 55 *Vict. c. 76, s. 20.*]

Power to Council to make byelaws as to conveyance of dead horses through streets.

54. From and after the passing of this Act it shall be lawful for the Council to make vary and amend byelaws with respect to the mode of conveying the carcasses of dead horses through and along public streets in the county.

Such byelaws shall be subject to the provisions of the Metropolis Management Act 1855 respecting the making confirmation approval publication and evidence of byelaws but the said provisions shall for the purposes of this Act be read and construed as if the Local Government Board were named therein instead of one of Her Majesty's Principal Secretaries of State.

[See 18 & 19 *Vict. c. 120, ss. 202 and 203.*]

Enforcement of byelaws.

55. Subject to the provisions of this Act the byelaws referred to in the last preceding section of this Act may be enforced by the council of the metropolitan borough in which any breach of any such byelaw shall be committed and the provisions of the said Metropolis Management Act 1855 respecting proceedings under any such byelaws shall apply to such enforcement:

Provided always that the Council on it being proved to their satisfaction that the council of any metropolitan borough has made default in the enforcement of any such byelaw may institute any proceeding and do any act which such council might have instituted or done for that purpose and shall be entitled to recover from the council of the metropolitan borough in default all such expenses in and about the said proceeding or act as the Council incur and are not recovered from any other person and have not been incurred in any unsuccessful proceeding.

56. The provisions of this part of this Act shall not apply to the City of London.

This part of Act not to apply to City of London.

PART IX.

DRAINAGE OF UPPER NORWOOD.

57. In and for the purposes of this part of this Act—

Definitions.

“The signed plan” means the plan signed by Sir John Brunner the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred a copy of which plan has been deposited in the Private Bill Office of the House of Commons;

“The Upper Norwood drainage area” means that part of the borough of Croydon adjoining the county and to the south of Westow Hill Central Hill and Crown Hill shown on the signed plan and thereon edged round with pink brown blue and yellow;

“The Croydon Council” means the mayor aldermen and burgesses of the county borough of Croydon acting by their council.

58. Subject to the provisions of this Act the Croydon Council shall have the right to discharge sewage drainage and surface water from the Upper Norwood drainage area into the sewers of the Council and the Council shall permit such sewage drainage and surface water to be so discharged and shall do all things necessary for securing and maintaining such openings into such sewers and such communications therewith from the sewers of the Upper Norwood drainage area as now exist (that is to say):—

Admission of sewage from Upper Norwood drainage area into sewers of Council.

As to the area edged with pink on the signed plan into the sewer in Elder Road;

As to the area edged with brown on the signed plan into the sewer in Gipsy Hill;

As to the area edged with blue on the signed plan into the sewer in Woodland Road; and

As to the area edged with yellow on the signed plan into the existing sewer outlets;

And the Council shall receive such sewage drainage and surface water into the metropolitan main drainage system for disposal and treatment at their outfall works but the Croydon Council shall not permit or suffer any district or place except the Upper Norwood drainage area to drain into or be connected with any sewer for the time being in the Upper Norwood drainage area which may discharge either directly or indirectly into a sewer of the Council and no such other district or place shall have any right to so drain or be so connected save and except such houses and premises as are situate on the north side of Crown Hill between the points marked on the signed plan A and B and on the north side of Westow Hill between the points marked on the signed plan C and D all of which said premises are now in the area of the Council and now drain respectively into the sewers in Crown Hill and Westow Hill.

59. The Croydon Council shall pay to the Council—

Payments by Croydon Council to Council.

(A) A sum of two hundred and eight pounds two shillings and sixpence each half-year for a period of thirty years from the first day of April one thousand nine hundred and two the first of such half-yearly payments having become due and payable on the thirtieth day of September one

thousand nine hundred and two. Such payment as aforesaid shall be in full discharge of all claims on the part of the Council and their predecessors against the Croydon Council or their predecessors for the past user of the sewers of the Council by the discharge thereto of sewage drainage and surface water from the Upper Norwood drainage area and for the disposal and treatment thereof up to the said first day of April one thousand nine hundred and two :

- (B) Such sum as shall from time to time be requisite in each year to provide interest and sinking fund as from the first day of April one thousand nine hundred and two in respect of such a proportion of the money borrowed by the Metropolitan Board of Works or the Council before or after the passing of this Act for the purposes of and connected with the metropolitan main drainage system and for the time being undischarged as the rateable value from time to time of the property assessable to the poor rate within the Upper Norwood drainage area bears to the rateable value from time to time of the property in the area liable to contribute to the Council in respect of main drainage charges and including rateable value of the Upper Norwood drainage area :
- (c) Such additional sum in each year after the said first day of April one thousand nine hundred and two as shall bear to the total annual cost of the management maintenance and working of the metropolitan main drainage system the same proportion as the rateable value from time to time of the property assessable to the poor rate within the Upper Norwood drainage area bears to the rateable value from time to time of the property in the area liable to contribute to the Council in respect of main drainage charges and including rateable value of the Upper Norwood drainage area :
- (d) For the purpose of any such payment by the Croydon Council as aforesaid the purposes of this part of this Act shall be deemed to be purposes of the Public Health Act 1875.

Notice of amount of half-yearly contributions.

60. The Council shall by notice in writing as soon as reasonably practicable inform the Croydon Council of the amount of the contribution which will be required from the Croydon Council in respect of each half-year ending on the thirtieth day of September and the thirty-first day of March in every year and the Croydon Council shall on the date named in such notices respectively pay to the Council the amount of the contribution in respect of that half-year as stated in the notice. In case default be made in the payment of any of the sums payable as aforesaid for more than one month from the date upon which such sums or sum become payable the same shall be deemed a debt due from the Croydon Council to the Council together with interest at three per centum per annum from the date at which such sums or sum become payable.

Remedies in case of default.

61. Where any sums due and payable under this Act to the Council remain unpaid for a period of six months after they become due then in addition to any other remedy in that behalf the Council may by precept empower any persons appointed by them for that purpose to raise by means of a rate levied on the Upper Norwood drainage area having the like incidents and consequences as and to

be assessed upon the like property and to be made levied and collected in like manner and with the like powers and authorities as any rate leviable by the Croydon Council for the purposes of this part of this Act such sum (the amount to be specified in the precept) as will be sufficient to produce the unpaid amount with interest thereon from the date on which the same became due and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rate and any person so empowered by the Council shall have the like powers of assessing making levying and collecting rates and of issuing precepts and of requiring officers of the Croydon Council to account as the Croydon Council would have under any Act or otherwise.

62. The Croydon Council shall forthwith furnish to the Council a properly certified copy of the valuation list in force for the purposes of the rate for the relief of the poor within the Upper Norwood drainage area and shall also from time to time when required by the Council but not oftener than once in every three years furnish to them a properly certified copy of the then current valuation list in force within the Upper Norwood drainage area for the purposes of the rate for the relief of the poor and shall also furnish to them a copy of every addition to and alteration made in the said valuation list.

Valuation lists of district for poor rate to be furnished to Council.

63. It shall be lawful for the Council from time to time to take such steps as they may think desirable to examine the valuation of the property within the Upper Norwood drainage area.

Power to Council to examine valuation.

64. It shall be lawful for the Council at any time to enter upon and inspect any sewage works sewers and drains within the Upper Norwood drainage area for the purpose of ascertaining whether any default in compliance with this Act is being committed and the Council may for that purpose break up or open any street within the said area reinstating the same at their own expense to the satisfaction of the engineer of the Croydon Council as soon as may be after such inspection :

Power of inspection and entry.

Provided always that before the Council exercise any power of entry under this section they shall give to the Croydon Council notice of their intention to do so specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the opening of any street and such work shall be done at the expense of the Council under the superintendence of the Croydon Council unless that Council refuse or neglect to give such superintendence at the time specified in the notice for the commencement of such work or discontinue the same during the execution of such work and the Council shall execute such work to the reasonable satisfaction of the engineer of the Croydon Council.

If any difference arise between the Council or their engineer and the Croydon Council or their engineer as to the reasonableness or otherwise of breaking up or opening such roads or touching the amount of any costs expenses or charges under the provisions of this Act to be paid by the Council to the Croydon Council or touching any work matter or thing to be done or executed or proposed to be done or executed by the Council or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon as arbitrator by the engineers of the two Councils or failing agreement to be named by the President for the time being of the Institution of Civil Engineers.

PART X.

PROVISION AND MAINTENANCE OF PUBLIC CLOCKS BY METROPOLITAN BOROUGH COUNCILS.

Power to provide and maintain public clocks.

65. It shall be lawful for the councils of metropolitan boroughs or any of them to expend moneys in providing clocks to be fixed within their respective boroughs on or against any building being the property of the council of the borough or with the consent of the owner or occupier on or against any other building the situation of which may be convenient for that purpose and in fixing repairing maintaining winding up and lighting any such clock or any other clock within their respective boroughs although such other clock be not vested in them. Any moneys so expended shall be charged upon the general rate leviable within the respective boroughs of the councils expending the same.

PART XI.

FINANCIAL AND MISCELLANEOUS.

Amendment of section 50 of London County Council (Improvements) Act 1900.

66. Notwithstanding anything contained in section 50 of the London County Council (Improvements) Act 1900 there shall be charged to and deemed to be part of the costs and expenses of the Thames Embankment extension and improvements at Westminster (in the said section referred to) such sum or sums not exceeding in the whole fifty thousand pounds as the Council shall determine in respect of the portion of the Millbank site (in the said section also referred to) utilised for the purpose of rehousing persons of the labouring class displaced in connection with the said Thames Embankment extension and improvements in Westminster and any sum so charged shall be applied in the manner provided by the said section.

67—68. [*Powers to the Council and to the Council of the Metropolitan Borough of Lewisham to contribute such sums as they think fit towards the purchase by the Camberwell Borough Council, under 2 Edw. 7, c. cLxxiii. s. 35, of the site known as One Tree Hill, Honor Oak, and of the garden of Brunswick Square for the purposes of public open spaces; and requiring the Council of the Metropolitan Borough of Woolwich to contribute one-half the cost of and incidental to the purchase by the Council of lands at Eltham for the purpose of open spaces, and empowering the Borough Council to borrow such contribution.*]

As to payments under this Act.

69. [*Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council Money Acts 1904—1906.*]

70. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (as to the expenses of obtaining this Act, and as to payment by the Council of the Metropolitan Borough of Camberwell of their share thereof) spent.*]

CHAPTER CCXVIII.

AN ACT TO REGULATE THE EXPENDITURE OF MONEY BY THE LONDON COUNTY COUNCIL ON CAPITAL ACCOUNT DURING THE CURRENT FINANCIAL PERIOD AND THE RAISING OF MONEY TO MEET SUCH EXPENDITURE.

[11th August 1903.]

[Preamble.]

1. This Act may be cited for all purposes as the London County Council (Money) Act 1903 and the London County Council (Money) Acts 1875 to 1902 and this Act may be cited together as the London County Council (Money) Acts 1875 to 1903. Short titles.

2. This Act shall subject to the provisions thereof be read and have effect as one with the Metropolitan Board of Works (Loans) Acts 1869 to 1871 and the London County Council (Money) Acts 1875 to 1902 : Construction of Act.

But all consolidated stock created by the Council shall be charged upon the county rate in substitution for the consolidated rate.

3. In and for the purposes of this Act—

The expression “the Council” shall mean the London County Council : Interpretation.

The expression “metropolitan borough council” shall mean the council for a metropolitan borough constituted under the London Government Act 1899 and includes the council for the city of Westminster :

The expression “the financial year” shall mean the period from the first day of April one thousand nine hundred and three to the thirty-first day of March one thousand nine hundred and four both dates inclusive :

The expression “the following six months” shall mean the period from the first day of April one thousand nine hundred and four to the thirtieth day of September one thousand nine hundred and four both dates inclusive :

The expression “the financial period” shall mean the financial year and the following six months.

[Part omitted (definition of “Main Drainage Acts”) spent.]

4—5. [Power to the Council during the financial period to expend money for sundry purposes. Spent.]

6. [Power to the Council during the financial period to lend to the Council of the Metropolitan Borough of St. Marglebone for electric lighting purposes. Lapsed.]

7. (iv) The provisions of this section shall extend and apply to the Council of the Metropolitan Borough of Poplar in respect of any money which that Council may be authorised to borrow for the purposes of the All Saints Poplar (Rate Abolition) Act 1903 Provided that the time after the borrowing within which money so borrowed by the metropolitan borough of Poplar shall be repaid to the Council shall not exceed sixty years. Power to lend to metropolitan borough councils corporations or other public bodies.

[Part omitted (power to the Council during the financial period to lend to metropolitan borough councils, corporations, and other public bodies in London) spent.—Provision as to repayment. Identical with such provision in 2 Edw. 7, c. clxiv. s. 6.]

8. [Power to the Council during the financial period to lend to boards of guardians in London. Spent.—Provision as to repayment. Identical with such provision in 61 & 62 Vict. c. cxxii. s. 7.]

9. [Power to the Council during the financial period to lend to the Managers of the Metropolitan Asylum District. Spent.]

10. [Power to the Council during the financial period to lend to the School Board for London. Spent.—Provision as to repayment. Superseded by 2 Edw. 7, c. 42, s. 5 and 2nd Schedule; and 3 Edw. 7, c. 24. See also the Public Works Loans Act 1905, s. 3. (See Appendix.)]

Loans to
persons for
purposes
of Small
Dwellings
Acquisition
Act 1899.

5,000*l.*
2,500*l.*

11. Where any person or persons desire under the provisions of the Small Dwellings Acquisition Act 1899 to borrow money for the purposes thereby authorised then during the financial period the Council may subject to the provisions of the said Act lend and such person or persons may borrow from the Council such money as the Council think fit and as such person or persons are authorised and desire to borrow. Provided that sums so lent shall not exceed in the aggregate five thousand pounds in the financial year and two thousand five hundred pounds in the following six months.

Money borrowed from and lent by the Council under this section shall be repaid to the Council with interest within such time after the borrowing not exceeding thirty years as such person or persons and the Council shall agree.

12. [Protection of the Council in case of certain loans. Identical with 54 & 55 Vict. c. 62, s. 13.]

As to money
lent by
Council in
certain cases.

13. Money lent by the Council under the powers of this Act during the six months ending the thirtieth day of September one thousand nine hundred and four shall be lent on account of the financial year ending the thirty-first day of March one thousand nine hundred and five.

Power to
raise money
by creation
of consoli-
dated stock.

14. In order to raise the money for the several purposes for which the Council are by this Act authorised to expend or lend money the Council may from time to time create consolidated stock and the following provisions shall have effect:—

(i) Where the Council under the authority of this Act create consolidated stock to raise money to enable them to meet expenditure or make a loan repayable within a period of less than sixty years from the date of such expenditure or loan the Council shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve as being in their opinion sufficient to redeem within the period authorised for the repayment of such expenditure or loan an amount of consolidated stock equal to that so created:

(ii) Where the Council create consolidated stock for the purpose of any scheme made by the Metropolitan Board of Works or the Council under the Housing of the Working Classes Act 1890 or any enactments repealed by that Act or for any other purpose the cost of which is chargeable as a special county purpose all money required for payment of dividends on and the redemption of all consolidated stock created for such purpose shall be charged to the special county account to which the expenditure for the purposes of the said Acts is chargeable:

- (iii) Consolidated stock for the purposes of this Act may be created by the Council from time to time in such amounts and at such times only as the Council shall actually require for the said purposes respectively.

15. *[As to repayment of moneys lent by the Council. Identical with 62 & 63 Vict. c. ccxxxviii. s. 15.]*

16.

All stock created under the powers of this section shall form part of and rank equally with the consolidated stock created under the powers of the London County Council (Money) Acts 1896 to 1902 and shall also rank equally with all consolidated stock created under the powers of any subsequent Act if the same be thereby declared to rank equally with consolidated stock created under the powers of this section.

New redeemable consolidated stock.

[Part omitted identical with 59 & 60 Vict. c. ccxiv. s. 14 down to the words "sinking fund in respect of such stock."]

17.—(1) Where the Council are by this Act authorised to raise money for any purpose on capital account they may instead of raising such money or any part thereof by the issue of consolidated stock (and with the approval of the Treasury) employ for that purpose any money for the time being standing to the capital account of the Consolidated Loans Fund and realise for that purpose any securities in which such money shall be at the time invested.

Employment of money of Consolidated Loans Fund.

(2) The employment by the Council of such money shall be deemed to be in substitution for the exercise of the powers of the Council under this Act of raising the amount of such money by means of the issue of consolidated stock.

(3) No such money shall be so employed unless provision be made in such manner as the Treasury approve for replacing the same in the Consolidated Loans Fund at or before the date (if any) at which consolidated stock redeemable by means of such money is required to be redeemed and (as regards moneys accumulated in respect of consolidated stock which is not required to be redeemed at any fixed date) for so replacing the same within such period not exceeding sixty years from the date of the employment of such money as the Council with the consent of the Treasury may determine and not exceeding the period within which the money if borrowed would be repayable:

And in every case the Council shall in each year raise as part of the county rate such sum as the Treasury approve as being in their opinion a proper and sufficient contribution in respect of that year towards the replacement at or before the date or within the period aforesaid of the money employed for such purpose and for the payment of interest on the money so employed and such sums shall be carried by the Council to the Consolidated Loans Fund.

(4) Where the Council are by this Act authorised to make a loan they may instead of raising money for any such loan by the creation of consolidated stock use for any such loan any money for the time being standing to the capital account of the Consolidated Loans Fund. Provided that no such money shall be used for any loan repayable at a date later than the date at which the consolidated stock redeemable by means of the money so used is required to be redeemed and (as regards stock which is not required to be redeemed at any fixed date) not exceeding sixty years from the date of borrowing.

18. [*As to the investment of money of the Consolidated Loans Fund. Identical with 59 & 60 Vict. c. ccxiv. s. 16.*]

19. [*Power to the Council after the issue of stock to apply money raised by stock to make up dividends from fixed dates. Spent.*]

20. [*As to redemption or conversion of stock. Identical with 59 & 60 Vict. c. ccxiv. s. 18.*]

21. [*The limitation on the borrowing power of the Council contained in s. 38 of 32 & 33 Vict. c. 102 not to extend to money raised under this Act.*]

22. [*Limit to the exercise of borrowing powers by the Council during the financial period. Spent.*]

23. [*Incorporation of ss. 27—43 of 48 & 49 Vict. c. 50. Identical with 59 & 60 Vict. c. ccxiv. s. 21.*]

24. [*Application of s. 22 of 1 Edw. 7, c. lxxxvii. to this Act. See note on that section.*]

25. [*Provisions as to raising money by bills. Spent.*]

26. [*Application of ss. 8—11 of the Forgery Act 1861 to London county bills. Identical with 61 & 62 Vict. c. ccxxii. s. 24.*]

As to payments under this Act.

27. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (as to expenses of obtaining this Act) spent.*]

SCHEDULE. [*Particulars of purposes for which moneys may be raised under this Act, and of the sums authorised to be raised for such purposes. Spent.*]

CHAPTER CCXIX.

AN ACT TO ENABLE THE LONDON COUNTY COUNCIL TO CONSTRUCT AND WORK TRAMWAYS IN THE COUNTY OF LONDON TO MAKE STREET IMPROVEMENTS AND TO ACQUIRE AND USE LANDS FOR THE PURPOSES OF A STATION OR STATIONS FOR GENERATING ELECTRIC ENERGY TO EMPOWER THE COUNCIL OF THE METROPOLITAN BOROUGH OF WOOLWICH TO WIDEN AND IMPROVE WELL HALL ROAD AND FOR OTHER PURPOSES. [11th August 1903.]

[Preamble.]

Short title.

1. This Act may be cited as the London County Council (Tramways and Improvements) Act 1903.

Incorporation of Acts.

2. The following Acts and parts of Acts (that is to say) :—

The Lands Clauses Acts ; and

Section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870 ; *

as far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act :

Provided that sections 127 and 133 of the Lands Clauses Consolidation Act 1845 shall not apply in the case of any lands purchased by the Council under the powers of this Act.

* See Appendix.

3. In this Act unless the subject or context otherwise require— Interpreta-
tion.
Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings ;

“The Council” means the London County Council ;

“The Woolwich Council” means the Council of the Metropolitan Borough of Woolwich ;

“The tramways” means the tramways by this Act authorised and any part thereof ;

“The improvements” means the street improvements by this Act authorised to be executed by the Council ;

“Street” has the meaning assigned to that term in the Metropolitan Management Acts 1855 to 1893 ;

Provided that for the purposes of this Act the expressions “the promoters of the undertaking” and “the company” in the Lands Clauses Acts shall with reference to lands to be acquired by the Council be construed to mean the Council and with reference to lands to be acquired by the Woolwich Council be construed to mean the Woolwich Council.

4. Subject to the provisions of this Act the Council may make form lay down and maintain the tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections with all such rails plates sleepers junctions turn-tables turnovers crossings passing-places works and conveniences connected therewith as may be necessary or proper therefor. Power to
make tram-
ways.

The tramways hereinbefore referred to and authorised by this Act are those shown on the deposited plans under the numbers herein-after stated in connection therewith respectively and shall be of the gauge of four feet eight and a half inches but carriages or trucks adapted for use upon railways shall not be run upon such tramways.

The said tramways will be situate in the county of London.

Tramway No. 3 (double line 2 miles 7 furlongs 485 chains or thereabouts in length) commencing in Scrubbs Lane at the county boundary at the junction of Scrubbs Lane with Harrow Road and terminating in Queen Street at or near the junction with that street of Bridge Road by a junction with Tramway No. 5 authorised by the London County Council (Tramways and Improvements) Act 1902 ;

Tramway No. 4 (double line 2 furlongs 3 chains or thereabouts in length) commencing in Broadway (Hammersmith) by a junction with the said Tramway No. 3 at a point about $1\frac{1}{2}$ chains measured in a north-easterly direction from the corner of Queen Street and Bridge Road and terminating in Bridge Road at a point $1\frac{1}{2}$ chains or thereabouts southward of Rutland Road ;

Tramway No. 4A (double line 15 chains or thereabouts in length) commencing in Queen Street by a junction with Tramway No. 5 authorised by the said London County Council (Tramways and Improvements) Act 1902 at a point 1 chain or thereabouts south of the junction of Bridge Road with Queen Street and terminating by a junction with Tramway No. 4 hereinbefore described in Bridge Road at a point 1 chain or thereabouts westward of the junction of Bridge Road and Queen Street ;

The said Tramways Nos. 3 4 and 4A will be situate wholly within the parish of Hammersmith ;

Tramway No. 6 (double line 1 furlong 6·20 chains or thereabouts in length) commencing in the parish of Streatham at or near the county boundary at the south-western end of Wimbledon Road and terminating in the said parish of Streatham in Garratt Lane by a junction with Tramway No. 12 authorised by the London County Council (Tramways and Improvements) Act 1901 at a point $\frac{1}{2}$ chain or thereabouts south-eastward of the junction of Wimbledon Road with Garratt Lane :

Tramway No. 6A (double line 2·3 chains or thereabouts in length) commencing in the parishes of Streatham and Wandsworth or one of them at a point in Wimbledon Road 2 chains or thereabouts south-westward of the junction of Wimbledon Road with Garratt Lane and terminating in the parish of Wandsworth in Garratt Lane by a junction with the said authorised Tramway No. 12 at a point 2 chains or thereabouts north-westward of the junction of Wimbledon Road with Garratt Lane :

Provided that Tramways Nos. 6 and 6A shall not be constructed unless or until the roads along which such tramways are to be constructed shall have been widened to fifty-four feet.

As to user of
Tramway
No. 3.

5.—(1) The Council shall not use for public traffic any portion of Tramway No. 3 southward of the point marked A on the plan signed by Hudson Ewbanke Kearley the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred of which a copy has been deposited in the Private Bill Office of the House of Commons unless or until the Broadway (Hammersmith) shall have been widened to the extent shown by a yellow colour on the said plan at the joint expense of the Council and the Council of the Metropolitan Borough of Hammersmith (in this section referred to as “the Hammersmith Council”) upon terms of the Council paying two-thirds of the net cost of such widening or the sum of thirty thousand pounds whichever shall be the less and the Hammersmith Council contributing the remainder of such net cost. The Hammersmith Council shall not oppose except upon details any application by the Council upon the terms above set forth for any necessary parliamentary powers for the Council or the Hammersmith Council to execute such widening and the costs of any such application shall be deemed to form part of the cost of the said widening :

Provided that if the Hammersmith Council shall consent to any such powers as aforesaid being applied for subject to an obligation upon that Council to exercise the same within a reasonable period after the same shall have been obtained then any such application as aforesaid shall be for such powers to be conferred upon the Hammersmith Council and not upon the Council except in the event of default by the Hammersmith Council.

(2) The Council shall not use for public traffic the portion of the said Tramway No. 3 laid in Wood Lane between the southern side of the bridge carrying the West London branch of the London and North Western Railway over that line and a point 1 chain or thereabouts north of the junction of Bulwer Street with Wood Lane until they shall have thrown into the roadway of Wood Lane so much of the footpaths on both sides thereof or either of such footpaths as may be required to increase to not less than thirty-two feet six inches the width of the roadway of the said portion of Wood Lane.

6. *[No part of the tramways to be laid so that for a distance of 30 feet or upwards a less space than 9 feet 6 inches will intervene*

between the footpath and the nearest rail of the tramway, except for certain short distances in Scrubbs Lane, Wood Lane, Shepherd's Bush Road, Brook Green Road, and Broadway (Hammersmith).]

7.—(1) Where it is necessary for the Council in constructing any tramway by this Act authorised in any street or road to alter any bridge or structure carrying such street or road over any railway or over any canal or dock entrance (hereinafter included in the expression "bridge") the Council shall execute the work in such a manner as to alter or interfere as little as possible with the structure of the bridge or with the approaches thereto so far as they belong to the owners of the bridge and they shall so maintain and use the said tramway as to interfere as little as possible with the structure of any such bridge or approaches.

Alteration of
bridges etc.

(2) Any interference with or alteration of the structure of any such bridge shall only be executed by the Council according to plans and sections to be previously submitted to and reasonably approved by the engineer of the owners of the bridge and all works affecting any such bridge shall be carried out under the superintendence and to the reasonable satisfaction of the said engineer :

Provided that unless the engineer of the owners by notice in writing to the Council within twenty-one days after the submission of such plans and sections give notice in writing to the Council objecting thereto or making any requirement with respect thereto the said plans and sections shall be deemed to have been approved on behalf of the owners and the work may be proceeded with accordingly.

(3) In the event of any injury being caused to any such bridge or approaches by any works for constructing altering or repairing such tramway or any wire cable or apparatus the owners may at the expense of the Council restore such bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Council shall indemnify the owners against all the expenses to which they may be put in repairing so much of the bridge or the road over such bridge and approaches as the owners are liable to maintain and repair and the owners may recover from the Council the amount of such expenses.

(4) In case it shall become necessary in consequence of the construction of such tramway or the use thereof when worked by electrical power to strengthen the structure of any such bridge the owners may after giving to the Council seven clear days' notice thereof execute such works as may be necessary to strengthen such bridge and the costs and expenses of and incidental to such strengthening shall be repaid by the Council to the owners.

(5) In the case of such tramway being constructed on a bridge over a railway if it become advisable having regard to the relative positions of the works of the Council and the works of the owners of the railway that the electric telegraphic telephonic or signal wires and apparatus connected with the railway should be placed in cable or otherwise altered the owners of the railway may execute any works reasonably necessary for such cabling or alteration and the expense of executing such works shall be borne by the Council.

(6) If any difference shall arise under this section between the Council and the owners as to anything to be done under the

provisions of this section or the reasonableness of any requirements or of any charges under this section the matter in difference shall unless otherwise agreed be determined by a referee in accordance with the provisions of section 33 of the Tramways Act 1870.*

(7) For the purpose of this section the expression " owners " shall include the person or company liable to maintain the bridge over which such tramway is constructed.

Applying to tramways certain provisions of London County Council (Tramways and Improvements) Act 1901.

8. The sections of the London County Council (Tramways and Improvements) Act 1901 of which the numbers and marginal notes are hereinafter set forth shall be deemed to be incorporated with this Act and shall extend and apply to the tramways and to the Council in respect thereof namely :—

Number of Section.	Marginal Note.
7	Tramways not to be opened until certified by Board of Trade.
8	As to rails of tramways.
9	Rails to be maintained on level of roadway.
10	Saving rights of access to sewers.
11	Penalty for not maintaining rails and roads in good condition and inspection of tramways.
12	Power to make additional crossings etc.
13	Council may reduce width of footway in certain cases.
14	Use of tramways by road authorities for certain local purposes.
17	Power to Council to work tramways.
19	For protection of Postmaster-General.
22	Provision against interference with tramways.

Provided that the said section 19 of the said Act shall apply and have effect as if subsection (5) of paragraph (B) of that section were omitted therefrom.

Applying certain provisions of London County Tramways (Electrical Power) Act 1900.

9.—(1) The carriages used on the tramways may be moved by animal power and in addition may subject to the provisions of this Act and of the London County Tramways (Electrical Power) Act 1900 be moved by electrical power.

(2) The provisions of the London County Tramways (Electrical Power) Act 1900 with respect to the use of electrical power and to the working by electrical power of the tramways defined by that Act and the sections of the said Act of which the marginal notes are as follows viz. :—

Number of Section.	Marginal Note.
6	Power to construct and provide appliances.
7	Further provisions as to paving materials of roads.
9	Application of materials excavated in construction of works.
10	Alterations in streets etc.
11	Electrical power works subject to Tramways Act 1870.
12	Drainage and clearing of rails and conduit.
13	Reference of certain questions to arbitration.

shall extend and apply to the tramways by this Act authorised.

Overhead system not to be applied in Wandsworth without

10. Nothing in this Act shall authorise the Council to place any posts or wires on or over any street for the purpose of working the Tramways No. 6 and No. 6A by this Act authorised by electrical power unless the Council of the Metropolitan Borough of Wandsworth

* See Appendix.

worth shall by a resolution have consented to the adoption thereon of a system of traction conducted by means of posts and wires placed overhead. consent of
Borough
Council.

Such consent may be subject to any limitations or conditions which may be expressed in the resolution and may apply to either of the streets or roads in which the said tramways are to be made or may fix any limited period defined by such resolution.

A copy of such resolution under the seal of the Council of the said Metropolitan Borough shall be delivered to the Council and shall be evidence of the due passing of such resolution.

11. The Council shall submit to the Council of the Metropolitan Borough of Hammersmith plans showing the position of all posts and wires which it is proposed to place in the said borough for the purpose of working the Tramways Nos. 3 4 and 4A by this Act authorised by electrical power and shall not place the same otherwise than in such positions and subject to such obligations as to the placing thereon of electric lamps of the said Borough Council as such Council may within one month after such submission by resolution reasonably prescribe.

As to posi-
tion of posts
and wires.

12. Nothing in this Act shall authorise the Council to place in any metropolitan borough any posts wires or cables on or over any street for the purpose of forming connections between any generating station and any tramway of the Council unless the council of such metropolitan borough shall by a resolution have consented thereto.

Cables etc.
for forming
connections
with generat-
ing stations
not to be
placed over-
head without
consent of

Such consent may be subject to any limitations or conditions which may be expressed in the resolution and may apply to any particular streets or roads or fix any limited period defined by such resolution.

borough
council.

A copy of such resolution under the seal of the council of such metropolitan borough shall be delivered to the Council and shall be evidence of the due passing of such resolution.

13. The Council on the one hand and the local authority of any district adjoining the county of London on the other hand may enter into and carry into effect agreements with respect to the working of any tramway or light railway or any part thereof in such adjoining district belonging to or for the time being worked by such local authority and any tramways or proposed tramways of the Council which may be connected therewith. [*See also 1 Edw. 7, c. cclxxi. s. 29; 4 Edw. 7, c. cexxxi. s. 60, and 6 Edw. 7, c. clxxxi. s. 15.*]

Agreements
with local
authorities
outside
London as to
working of
tramways
and light
railways.

14. The Council on the one hand and any company or companies owning tramways in or near the county of London on the other hand may enter into and carry into effect agreements with respect to the working use management and maintenance of the tramways by this Act authorised or any other tramways belonging to the Council or to such company or companies respectively and the interchange of traffic thereon. [*See note on s. 13.*]

Working
agreements
with com-
panies own-
ing tramways
in or near
London.

15. [*Application of s. 32 of the Tramways Act 1870. Identical with 2 Edw. 7, c. ccxix. s. 9.*]

16. [*As to tolls, etc. Identical with 1 Edw. 7, c. cclxxi. s. 23.*]

17. In addition to the provisions of the section of this Act of which the marginal note is "Alteration of bridges etc." the following provisions shall unless otherwise agreed apply and have effect for the protection of the London and South Western Railway Company

For pro-
tection of
London and
South Western
Railway
Company.

(in this section referred to as “the South Western Company”)
(that is to say):—

- (1) The Council shall bear and on demand pay to the South Western Company all reasonable costs of the superintendence by them of the construction of the tramways and any repairs thereof affecting the bridge carrying Shepherd's Bush Road over the railway of the South Western Company and all reasonable costs of watching lighting and protection of such railway during such construction or repair but such superintendence by the South Western Company shall not relieve the Council from liability for any accident which may be occasioned by or through the operations of the Council or their contractors agents or workmen :
- (2) The Council shall compensate the South Western Company for any damage or injury occasioned to the railways works or property of the South Western Company by or in consequence of the construction of the tramways or the working thereof and shall indemnify them against all claims by any persons using the railways arising from such construction or working :
- (3) Any additional expense incurred by the South Western Company for or in respect of the maintenance of the structure of the bridge and road at Shepherd's Bush Road and also of the electric telegraphic telephonic or signal wires and apparatus connected with the railway of the South Western Company occasioned by the execution by the Council of any works under the powers of this Act shall be borne and paid by the Council :
- (4) If the South Western Company shall require to alter repair widen or extend the bridge carrying Shepherd's Bush Road over their railway and shall find it necessary for effecting any of such purposes that the working and user of such tramways over the said bridge shall be wholly or partly stopped or delayed or that the tramways shall be temporarily diverted and shall (except in case of emergency) give to the Council fourteen clear days' notice in writing requiring such stoppage delay or diversion the working and user of such tramways shall be stopped or delayed or the tramways shall be temporarily diverted (but only for so long as may be absolutely necessary for the purposes in this subsection mentioned) and the South Western Company shall not be liable for any compensation claim damages costs or expenses for or in respect of such diversion or stoppage. Provided that if the said tramways be constructed as a double line over the said bridge the South Western Company shall not be at liberty to stop delay or divert more than one line of rails on the said bridge at any one time :
- (5) The Council shall not in working the said tramways obstruct or interfere with the free passage of persons or vehicles to or from the entrances to or exits from the Shepherd's Bush Station of the South Western Company and tramcars or other vehicles used on the said tramways shall not without the consent of the South Western Company be stopped or permitted to be stopped opposite to or within

ten yards of either side of a point opposite such entrances or exits except for and only for so long as shall be necessary for the purposes of taking up and setting down passengers :

- (6) If any difference shall arise under this section between the Council and the South Western Company the matter shall unless otherwise agreed be determined by a referee in accordance with the provisions of section 33 of the Tramways Act 1870.*

18. Notwithstanding anything in this Act contained or shown on the deposited plans and sections the following provisions for the protection of the Great Western Railway Company (in this section referred to as "the Great Western Company") shall unless otherwise agreed in writing between the Great Western Company and the Council apply and have effect (that is to say) :—

For protec-
tion of Great
Western
Railway
Company.

- (1) The Council shall not without the previous consent in writing of the Great Western Company under the hand of their secretary take enter upon or use any greater portion of the property numbered on the deposited plans 54 in the parish of Hammersmith than shall be actually required for the purpose of widening Scrubbs Lane :
- (2) When and so soon as the Council commence to construct the proposed widening of Scrubbs Lane upon the lands and property of the Great Western Company the Council shall construct to the reasonable satisfaction of the principal engineer of that Company a suitable fence of such dimensions material and design as shall be previously approved by the said engineer for the purpose of separating the said lands and property from the other adjoining lands and property of the Great Western Company :
- (3) Notwithstanding the acquisition of the said lands and property of the Great Western Company that Company shall have full and uninterrupted access to Scrubbs Lane when widened for the full extent of their lands and property abutting on such lane :
- (4) No part of Tramway No. 3 by this Act authorised shall be constructed or laid down in the portion of the road known as Scrubbs Lane between the southern end of the bridge carrying that lane over the Great Western Railway (hereinafter referred to as "the said bridge") and the northern end of the southern approach to the Mitre Bridge over the canal unless and until the said portion of road and bridge over the Great Western Railway has been widened to not less than forty-five feet :
- (5) Nothing contained in or done under this Act shall impose upon the Great Western Company any liability for the repair and maintenance of the said bridge and the roadway thereover and the approaches thereto to which they are not now subject :
- (6) The said Tramway No. 3 where the same will be made upon a cross over upon the said bridge or will otherwise interfere with the same shall be constructed so as not to interfere with the structure of the said bridge and according to plans sections and specifications to be previously submitted to and approved by the Great Western Company

* See Appendix.

or in case of difference between them and the Council by an arbitrator to be appointed as hereinafter provided. The said tramway shall be constructed and thereafter maintained according to the plans sections and specifications so approved and under the superintendence and to the satisfaction of the Great Western Company. The Council shall so construct maintain and use the said tramway as not to injuriously affect the said bridge and in the event of any injury being occasioned to the said bridge by the construction maintenance or user of the said tramway upon across or over the same the Great Western Company may make good the injury and may recover from the Council the reasonable expenses of so doing :

- (7) The Council shall not in any manner in the execution maintenance user or repair of any of their works obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to the Great Western Company or any traffic thereon :
- (8) The Council shall be responsible for and make good to the Great Western Company all losses damages and expenses which may be occasioned to the Great Western Company or any of their works or property or to the traffic on their railways or to any company or person using the same or otherwise by or by reason of the execution or failure of any of the intended works or by or by reason of any act or default or omission of the Council or of any person in their employ or of any contractors for the intended works or any part thereof or otherwise and the Council shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :
- (9) If the Great Western Company shall hereafter require to widen lengthen strengthen alter or repair the said bridge or the approaches thereto or to widen or alter their railways under the said bridge the Council shall afford to the Great Western Company all reasonable and proper facilities for those purposes or any of them and if the Great Western Company shall find it necessary for any such purposes that the working or user of any portion of the said Tramway No. 3 upon the said bridge or its approaches shall be temporarily wholly or in part stopped or delayed or that such portion of the said tramway shall be temporarily diverted the Great Western Company shall give to the Council fourteen days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay or diversion then the working and user of such portion of the said tramway shall be stopped or delayed or such portion of the said tramway shall be temporarily diverted as stated in such notice at the expense of the Council and under their superintendence if they shall give such superintendence but the working or user of such portion shall not be stopped or delayed and such portion of the said tramway shall not be temporarily diverted for a longer period than may be absolutely necessary for effecting such purposes as

aforesaid and the Great Western Company shall give all reasonable facilities for enabling such portion of the said tramway to be restored with all possible despatch but shall not be liable for any compensation claims damages or expenses in respect of such delay stoppage or taking up or removal as aforesaid. Provided that if the said tramway be constructed as a double line over the said bridge the Great Western Company shall not be at liberty to stop delay or divert more than one line of rails on the said bridge at any one time unless it shall be absolutely necessary :

- (10) Any additional expense in the maintenance of the said bridge occasioned to the Great Western Company by the construction or user of the said tramway shall be borne by the Council :
- (11) If by reason of the rebuilding of the said bridge or the construction or user of the said Tramway No. 3 it shall become necessary to add to or alter any electric telegraphic or telephonic lines or signals signal-box or signalling apparatus upon the railways of the Great Western Company the same shall be so added to or altered by the Great Western Company and the expense thereof shall be repaid to that Company by the Council :
- (12) Any difference which may arise between the Council and the Great Western Company with reference to the provisions of this section shall be referred to an arbitrator to be appointed on the application of either party by the Board of Trade.

19. Notwithstanding anything in this Act contained the following provisions for the protection of the Great Western Railway Company and the Metropolitan Railway Company (in this section together hereinafter referred to as "the Companies") with relation to the construction of Tramway No. 3 by this Act authorised shall unless otherwise agreed between the Council and the Companies apply and have effect (that is to say):—

For protection of Great Western Railway and Metropolitan Railway Companies.

- (1) The portion of the said tramway under the bridge carrying the Hammersmith and City Railway of the Companies shall be so laid as not to interfere with the structure of such bridge :
- (2) In the event of the tramways being worked by electricity on the overhead wire system the Council shall if and when the Companies require to reconstruct repair or paint the said bridge in order to insure the safety of the workmen employed in such reconstruction repairing or painting cut off the electric current from the trolley wires under such bridge at such times as shall be reasonably required by the Companies unless the Council shall have previously adopted some other means of protection to workmen which shall have been approved by the principal engineers of the Companies :
- (3) If owing to the construction of the said tramway under the said Hammersmith and City Railway of the Companies it at any time become necessary having regard to the relative positions of the works of the Council and the works of the Companies that the electric telegraphic telephonic or signal wires and apparatus connected with the said railway should

be placed in cable or otherwise altered the Companies may execute any works reasonably necessary for such cabling or alteration and the expense of executing such works shall be borne by the Council:

- (4) Any dispute or difference which may arise between the Companies and the Council with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be agreed upon or failing agreement to be appointed by the Board of Trade on the application of the Companies and the Council or either of them.

For protection of
London and
North West-
ern Railway
Company.

20. The following provisions for the protection of the London and North Western Railway Company (in this section referred to as "the North Western Company") shall unless otherwise agreed in writing between the North Western Company and the Council apply and have effect:—

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans the Council shall not without the previous consent of the North Western Company under their common seal enter upon take or use any of the lands or property of that Company except so much thereof as is coloured red on the plan signed by Maurice Fitzmaurice on behalf of the Council and by Edward Baylies Thornhill on behalf of the North Western Company but the Council may purchase and take and the North Western Company shall if so required by the Council sell and grant accordingly an easement or right of using so much of the lands of that Company for the construction in accordance with the provisions of this section of the proposed widenings of Scrubbs Lane over so much of the railways and property of the North Western Company coloured blue on the said plan as the Council shall require for that purpose:
- (2) When and so soon as the Council commence to construct the proposed widening of Scrubbs Lane upon the said lands and property coloured red and blue upon the said plan the Council shall construct to the reasonable satisfaction of the principal engineer of the North Western Company (hereinafter referred to as "the principal engineer") a suitable fence of such dimensions material and design as shall be previously approved by the principal engineer for the purpose of separating the said lands and property from the other adjoining lands and property of the North Western Company:
- (3) Notwithstanding the acquisition of the said lands and property coloured red and blue as aforesaid the North Western Company shall have full and uninterrupted access to Scrubbs Lane when widened for the full extent of their lands and property abutting on such lane:
- (4) If it shall be necessary in connection with the construction of the proposed widening of Scrubbs Lane that the bridge carrying the West London branch of the North Western Company over Scrubbs Lane shall be rebuilt such rebuilding shall be executed at the cost and expense in all things of the Council:
- (5) If the Council determine to adopt the conduit system for

the purpose of providing the necessary electrical power for moving the carriages to be used on the Tramway No. 3 by this Act authorised (in this section referred to as "the said tramway") the bridge which carries Scrubbs Lane over the main line of the North Western Company shall before the construction of the said tramway across the same be rebuilt to the extent to which the same now exists at the cost and expense in all things of the Council but so that the headway of such reconstructed bridge over the present rail level shall not be less than that of the existing bridge :

- (6) The Council shall not except with the consent of the North Western Company themselves execute any of the works necessary for the taking down or the rebuilding of the said bridges nor shall they interfere with the railways over or under such bridges nor with the traffic upon such railways but the North Western Company shall if so required in writing by the Council take down and reconstruct the said bridges or either of them or make all such alterations therein as may be required by the Council in order to admit of the widening of the road or the construction of the said tramway to the reasonable satisfaction of the engineer of the Council and in accordance with plans elevations sections and particulars to be agreed on between the Council and the North Western Company or settled by arbitration as hereinafter provided :
- (7) The Council shall repay to the North Western Company all sums properly expended by them from time to time in or about the construction and carrying out of the said works and upon the materials required for the same including all reasonable costs of any inspectors and watchmen and of the preparation and settlement of any plans sections and specifications of such works and materials and if any such payments shall not be made by the Council within one month after demand made the Council shall be liable to pay interest thereon at the rate of four per centum per annum from the date of such demand and they shall upon the completion of the works to be executed by the North Western Company also pay to them such a sum as shall be agreed between the North Western Company and the Council or determined by arbitration by way of composition for and in satisfaction of all claims by the North Western Company in respect of the additional expense of maintenance of the said bridges or bridge arising from any increase in length or alteration in the form of construction effected under the powers of this Act :
- (8) The new reconstructed or altered bridges and the materials therein shall be and remain the property of the North Western Company and shall be maintained by them as part of their railways and works but the road and footways under the first-mentioned bridge shall be formed paved metalled channelled and flagged by and at the expense of the Council :
- (9) The Council shall also repay to the North Western Company the amount of any costs losses damages and expenses occasioned to them or to their railway or to the traffic

thereon or to any person or persons using the same or otherwise during and by reason of the construction of the works by this Act authorised and the Council shall effectually indemnify and hold harmless the North Western Company from all claims and demands upon or against them by reason thereof. Provided that such costs losses damages or expenses are not due to any negligence on the part of any contractor or other person employed by the North Western Company :

- (10) If the North Western Company shall hereafter require to widen lengthen straighten alter or repair the said bridge carrying Scrubbs Lane over the main line of the North Western Company or the approaches to such bridge or to widen or alter their said main line the Council shall afford to the North Western Company all reasonable and proper facilities for those purposes or any of them and if the North Western Company shall find it necessary for any such purposes that the working or user of any portion of the said tramway upon the said bridge or its approaches shall be temporarily wholly or in part stopped or delayed or that such portion of the said tramway shall be temporarily diverted and the North Western Company shall give to the Council fourteen clear days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay or diversion then the working and user of such portion of the said tramway shall be stopped or delayed or such portion of the said tramway shall be temporarily diverted as stated in such notice at the expense of the Council and under their superintendence (if they shall give such superintendence) but the working or user of such portion shall not be stopped or delayed and such portion of the said tramway shall not be temporarily diverted for a longer period than may be absolutely necessary for effecting such purposes as aforesaid, and the North Western Company shall give all reasonable facilities for enabling such portion of the said tramway to be restored with all possible despatch but shall not be liable for any compensation claims damages or expenses in respect of such stoppage delay or diversion as aforesaid. Provided that if the said tramway be constructed as a double line over the said bridge the North Western Company shall not be at liberty to stop delay or divert more than one line of rails on the said bridge at any one time unless it shall be absolutely necessary :
- (11) Before the Council affix to any bridge belonging to the North Western Company any posts brackets electric conductors wires or apparatus drawings showing the design and material thereof and of the manner in which it is proposed to so affix them shall be submitted to and approved by the principal engineer of the North Western Company :
- (12) If by reason of the rebuilding of the said bridge over the main line of the North Western Company or the construction or user of the said tramway it shall become necessary to add to or alter any electric telegraphic or telephonic wires or signals signal-box or signalling apparatus upon the

railways of the North Western Company the same shall be so added to or altered by the North Western Company and the expense thereof shall be repaid to that Company by the Council :

- (13) In the event of the tramways being worked by electricity on the overhead wire system the Council shall if and when the North Western Company require to repair or paint the bridge carrying their West London branch over Scrubbs Lane in order to ensure the safety of the workmen employed in such repairing or painting cut off the electric current from the trolley-wires under such bridge at such times as shall be reasonably required by the principal engineer unless the Council shall have previously adopted some other means of protection to workmen which shall have been approved by the principal engineer :
- (14) The widening of the bridge known as Mitre Bridge carrying Scrubbs Lane over the Grand Junction Canal and the approaches thereto shall not impose upon the North Western Company any liability for the repair and maintenance of such bridge and the roadway thereover and the approaches thereto to which they are not now subject :
- (15) Any difference which may arise between the Council and the North Western Company with reference to the plans elevations and particulars aforesaid or as to the sum to be paid by the Council by way of composition for the increased cost of maintenance of the said bridges or bridge or to any other matter arising under the provisions of this section shall be referred to an arbitrator to be appointed on the application of either party by the Board of Trade.

21. In addition to the provisions of the section of this Act of which the marginal note is "Alteration of bridges etc." the following provisions shall unless otherwise agreed apply and have effect for the protection of the Metropolitan District Railway Company (in this section referred to as "the Company") (that is to say) :—

For protection of Metropolitan District Railway Company.

- (1) The provisions of section 15 of the London County Tramways (Electrical Power) Act 1900 shall apply to any interference by the Council under the powers of this Act with the lines of electric cables inspection chambers and other works which the Company are authorised to lay down and construct between the Company's generating station at Lots Road Chelsea and the Company's Earl's Court station :

Provided that notwithstanding anything in the said section contained any question that may arise between the Council and the Company as to any works of the Council affecting such lines of cables inspection chambers and other works shall be referred to and determined by the Board of Trade :

- (2) The Council shall compensate the Company for any damage or injury occasioned to the railways works or property of the Company or for interference with the working of the traffic on the Company's railway by or in consequence of the construction of the tramways or the working thereof and shall indemnify them against all claims by any persons using the railways arising from such construction or working :
- (3) If it shall become necessary for effecting any strengthening

of the tunnel of the Company under the provisions of this Act before contained that the working and user of any portion of the Tramway No. 3 by this Act authorised shall be wholly or in part stopped or delayed and the Company shall give to the Council fourteen clear days' notice in writing requiring such stoppage or delay the working or user of such portion of the said tramway shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the Company shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such stoppage or delay. Provided that if the said tramway be constructed as a double line over such tunnel the Company shall not be at liberty to stop delay or divert more than one line of rails over the said tunnel at any one time :

- (4) The Council shall not in working the said tramways obstruct or otherwise interfere with the entrances and exits to and from the station buildings of the Company :
- (5) The Council shall from time to time be responsible for and make good to the Company all damage or injury occasioned to the said tunnel or the works or property of the Company by or in consequence of the construction or working of the said tramway and the Council shall effectually indemnify and hold harmless the Company from all claims and demands upon or against them by reason of such construction or working :
- (6) If any difference shall arise under this section between the Council and the Company the matter shall unless otherwise agreed be determined by a referee in accordance with the provisions of section 33 of the Tramways Act 1870.*

For protection of
Grand Junction Canal
Company.

22. Whereas Tramway No. 3 by this Act authorised (in this section called "the tramway") is intended to be constructed across the bridge known as Mitre Bridge (in this section called "the bridge") carrying Scrubbs Lane over the Grand Junction Canal (in this section called "the canal") and in connection therewith it is intended to widen or alter the bridge and the approaches thereto Now therefore notwithstanding anything in this Act contained the following provisions for the protection of the Company of Proprietors of the Grand Junction Canal (in this section called "the Canal Company") shall unless otherwise agreed in writing between the Council and the Canal Company apply and have effect (that is to say) :—

- (1) The Council shall not acquire any land or property of the Canal Company but only such an easement therein as may be necessary for the widening or alteration of the bridge and approaches thereto in manner by this Act authorised and for the construction maintenance and user of the tramway in accordance with the provisions of this Act :
- (2) The widening or alteration of the bridge and all works in connection therewith shall be carried out in accordance with plans sections and specifications previously submitted to and approved by the Canal Company and under the superintendence and to the reasonable satisfaction of their engineer :

* See Appendix.

- (3) The bridge as widened or altered shall have a clear span over the canal and towing-paths and other property of the Canal Company of not less than fifty feet measured at right angles to the face of the abutments and a clear headway over the canal and towing-path of not less than ten feet above weir level of the canal at the point of crossing and shall not exceed forty-five feet in width between the parapets and the Council shall not in widening or altering the bridge or in executing any works in connection therewith or in maintaining or repairing the same or in constructing placing laying down maintaining or working the tramway or any works or apparatus for working the same by mechanical power damage or interfere with the canal or the towing-path thereof or other property of the Canal Company or cause any loss of water from the canal or interruption to the passage of traffic thereon or on the said towing-path or (except as hereinafter mentioned) reduce or diminish the span or headway of the bridge or the space available for the passage of traffic thereunder. Provided that the Council may during the widening or alteration of the bridge and in connection therewith construct and maintain a temporary bridge over the canal and towing-path in such position and of such dimensions as the engineer of the Canal Company may approve :
- (4) If any such damage interference interruption loss of water reduction or diminution as in the last preceding subsection mentioned shall at any time arise or be occasioned by reason or in consequence of any of the works or operations of the Council the Council shall forthwith at their own expense make good stop or remove the same as the case may require and in case of default by the Council in so doing the Canal Company may make good stop or remove the same at the expense of the Council and the Council shall repay to the Canal Company on demand all costs and expenses reasonably incurred by them in so doing and shall also repay or make good to the Canal Company all loss or damage sustained by the Canal Company in consequence of such damage interference interruption reduction diminution or loss of water :
- (5) The Council shall not in executing any works by this Act authorised or in placing maintaining or working the tramway or any works connected therewith in any way obstruct or interfere with or render less convenient for traffic the existing access from the towing-path of the canal to Scrubbs Lane :
- (6) All the works of the Council affecting the bridge or the approaches thereto shall after the commencement thereof be carried out expeditiously and with as little delay as possible :
- (7) The widening or alteration by the Council of the bridge shall not impose upon the Canal Company any liability for the maintenance or repair of the bridge to which they are not now subject :
- (8) If any difference shall arise between the Council and the Canal Company with respect to any plans or sections to be submitted as aforesaid or the mode of executing any works

or as to any costs expenses loss or damage as in this section mentioned such difference shall be referred to and settled by an engineer to be appointed by the Board of Trade on the application of the Council or the Canal Company.

For protec-
tion of West
Middlesex
Waterworks
Company.

23. For the protection of the Company of Proprietors of the West Middlesex Waterworks * (in this section called “the Water Company”) the following provisions shall have effect in addition to any other provisions in this Act or the Tramways Act 1870 † contained for the protection of the Water Company unless otherwise agreed between the Water Company and the Council (that is to say):—

- (1) In this section the expression “the signed plans” means the plans in relation to the alterations to Mitre Bridge carrying Scrubbs Lane over the Grand Junction Canal which have been signed by the Right Honourable the Lord Harris the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred and of which a copy has been deposited in the Parliament Office of the House of Lords :
- (2) The works referred to in the last preceding subsection so far as they affect the mains pipes or works of the Water Company shall unless otherwise agreed be carried out in accordance with the signed plans and the chief engineer of the Council shall not give any directions under the section of this Act the marginal note to which is “For protection of gas and water companies” that shall or may be inconsistent or at variance with the signed plans or anything therein contained :
- (3) If any interruption whatsoever in the supply of water by the Water Company or any loss of water shall be in any way occasioned or sustained by the Water Company by reason of any act or omission of the Council or by the acts of any of their contractors agents workmen or servants or any person in the employ of them or either of them in executing the said alteration of Mitre Bridge the Council shall forfeit and pay to the Water Company for such interruption for the use and benefit of the Water Company the sum of five pounds for every hour during which such interruption shall continue. If the Council shall find it necessary to undermine but not otherwise alter the position of any main pipe or work belonging to the Water Company they shall temporarily support and protect the same in its position during the execution of their works and on their completion shall provide a good and suitable foundation for every main pipe or work so undermined :
- (4) Notwithstanding anything in this Act contained the Council shall be responsible for and make good to the Water Company all costs losses damages and expenses which may be occasioned to the Water Company or to any of their mains pipes syphons apparatus property works and conveniences by reason of the execution or failure of any of the intended works at Mitre Bridge or of any act or omission of the Council or of any of their contractors agents workmen or servants or any of the persons in their employ or in the

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

† See Appendix.

employ of their contractors or others and the Council will effectually indemnify and hold harmless the Water Company from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission :

- (5) Any difference arising between the Council and the Water Company respecting any of the matters referred to in this section shall be settled by an engineer to be appointed at the request of either party by the President of the Institution of Civil Engineers.

24. For the protection of the London United Tramways (1901) Limited (in this section called "the Company") the following provisions shall have effect unless otherwise agreed on in writing between the Council and the Company (that is to say):—

For pro-
tection of
London
United
Tramways
(1901)
Limited.

- (1) In this section the expression "the Council's conductor" means the overhead conductor or conductors placed for transmitting electric energy for the purposes of Tramway No. 3 by this Act authorised and the expression "the Company's conductor" means the overhead conductors of the Company placed for transmitting electric energy for the purposes of their tramways :

- (2) The method of erecting and using the Council's conductor across over or under the Company's conductor and any alterations or adaptations of the Company's conductor rendered necessary for the purposes of the said Tramway No. 3 shall be such as may with the approval of the Board of Trade be agreed between the Council and the Company or as failing agreement may be determined on the application of either party by the Board of Trade :

Provided that if reasonably practicable the Company's conductor shall be continuous throughout and the Council's conductor shall be so placed that no part thereof shall be within nine inches of the Company's conductor but the said two conductors may be in the same horizontal plane with suitable attachments to each of them for the trolley wires :

- (3) Subject to the provisions of this section the separation between the Council's conductor and the Company's conductor shall be effected in a form and with material which shall be of ample mechanical strength but shall also have sufficient insulating resistance to effectually secure that no electric current can pass from the conductors of one electrical system to the conductors of the other electrical system under any circumstances or atmospheric conditions whatever even when the whole of the material exposed to the weather is thoroughly wet by rain snow or otherwise :

- (4) The description and details of the method and manner in which the Council propose that the said conductors shall cross one another and the manner in which the Council propose that current shall be supplied to their conductor and to the Company's conductor respectively shall not less than twenty-eight days before the erection of the Council's conductor be submitted by the electrical engineer of the Council to the electrical engineer of the Company for his approval and if within twenty-eight days of such submission he does not in writing approve or disapprove

thereof or state his requirements in relation thereto he shall be deemed to have approved thereof but subject thereto if any difference shall arise between the said engineers touching this subsection such difference shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either the Council or the Company:

- (5) All extra costs and expenses which the Company may reasonably incur or be put to in constructing placing or maintaining the Company's conductor by reason of the crossing thereof by the Council's conductor shall be paid on demand by the Council to the Company:
- (6) The portions of Tramway No. 3 which are laid across the tramways of the Company in Uxbridge Road and Goldhawk Road shall be constructed and maintained in accordance with plans to be agreed between the principal engineers of the Council and the Company or in case of difference to be settled as hereinafter mentioned and in either case approved by the Board of Trade (such plans to show the apparatus (if any) to be employed for insuring the due control of the traffic on the tramways when approaching the said level crossings) and under the superintendence and to the reasonable satisfaction of such engineer of the Company at the cost of the Council (unless after seven days' notice in writing by the Council of their intention to commence such works given to the Company such superintendence is refused or withheld) and so as not to interfere with the traffic on the tramways of the Company and the said portion of Tramway No. 3 shall be so constructed and maintained and kept in constant and efficient repair by the Council to the reasonable satisfaction of such principal engineer of the Company and at the cost of the Council except as to repairs rendered necessary by any act or negligence of the Company:
- (7) The traffic on the said Tramway No. 3 and on the tramways of the Company at and near the points of crossing in Uxbridge Road and Goldhawk Road shall subject to police regulations be managed and controlled by the Council and the Company respectively in such manner and according to such regulations as may be agreed between the Council and the Company or as failing agreement may be determined on the application of either party by the Board of Trade:
- (8) If at any time or times the Board of Trade require the construction erection or alteration of any signals or any conveniences incident to or consequent on the tramway of the Council crossing the tramway of the Company such signals and conveniences shall be provided constructed erected maintained and altered by and at the cost of the Council in all things and the Company may appoint and remove such persons as may be reasonably necessary for working such signals and conveniences and the reasonable cost thereof and of and incident to such working shall at the end of every half-year be repaid by the Council to the Company:
- (9) The Council shall bear and on demand pay to the Company

the expense of the employment by the Company during the execution or repair of any work under this Act affecting the Company's tramways of a sufficient number of inspectors watchmen and signalmen to be appointed by the Company for watching and signalling the same with reference to and during the execution of any such work of the Council and for securing the safety of the public and of passengers using the Company's tramways and for preventing all interference obstruction danger and accidents from any of the operations or from the acts or defaults of the Council or their contractors or any person in the employment of the Council or of their contractors with reference thereto :

- (10) If during the execution or by reason of the failure of any of the works or any act or omission of the Council or of their contractors or of any person in the employ of the Council or of their contractors the tramways of the Company shall be injured or damaged such injury or damage shall be forthwith made good by the Council at their own expense and in the event of their failing so to do the Company may make good the same and recover the expense thereof with costs against the Council and the Council shall indemnify the Company against all losses which the Company may sustain and shall pay all costs charges and expenses which the Company may be put to or incur during such execution or by reason of such failure act or omission as aforesaid :
- (11) The protection afforded to the Company by this section shall not extend to the case of any interference with the wires lines and apparatus of the Company or the currents therein to which section 4 of the London County Tramways (Electrical Power) Act 1900 applies but the Company shall not by reason of being specially protected as regards other matters under this section lose as regards any such interference any protection to which they are otherwise entitled :
- (12) If any difference shall arise between the Council and the Company or their respective engineers under this section or as to anything to be done or not to be done thereunder the same shall be determined by an engineer to be agreed on between the Council and the Company or failing agreement to be appointed by the Board of Trade on the application of either party after notice to the other.

25. [*Provision as to general Tramway Acts. Identical with 1 Edw. 7, c. cclxxi. s. 24.*]

26. In the case of the reconstruction or alteration by any company of any bridge carrying a public road or street over the works of such company or carrying such works over any public road or street the Council if they think fit may enter into arrangements or agreements with such company for such reconstruction or alteration to be executed in such manner as to provide for the laying down of tramways (whether authorised or in contemplation) or the reconstruction of existing tramways or the substitution of a double line for a single line of rails across or under such bridge (as the case may be) and for the working of such tramways by animal mechanical or electric power and it shall be lawful for the

Adaptation
of bridges
for tramway
purposes.

Council to contribute such sums as they may think fit or as may be agreed upon between the Council and such company towards the reconstruction or alteration of any such bridge.

27. [*Power to the Council to make certain street widenings in Scrubbs Lane and Brook Green Road, Hammersmith; Wimbledon Road and Garratt Lane, Wandsworth; and Southampton Row.*]

28—32. [*Power to the Council to stop up ways temporarily, to raise or lower streets, to deviate, to make subsidiary works, and to lay out carriageway, footway, sewers, and other works.*]

33. [*As to the laying of pavements, and as to the maintenance thereof by the authority liable for the repair of the street or by any other persons liable to maintain the same.*]

34. [*Power to the Council to fill up sewers or drains on providing substituted sewers or drains which are to be under the same management as existing sewers or drains.*]

35. [*Power to the Council to alter steps, areas, pipes, etc.*]

Applying
provisions of
London
County
Council
(Subways)
Act 1893.

36. The provisions of the London County Council (Subways) Act 1893 and any byelaws made or which may be made by the Council under that Act shall apply to any subway to be constructed under the powers of this Act as if such subway or part thereof had been included in the expression "subway" in the said Act of 1893 and the provisions of section 3 of the said Act shall apply during the construction of any such subway. Provided that for the purposes of the application of the said Act of 1893 to any subway to be constructed under the powers of this Act the London Hydraulic Power Company shall be deemed to be a water company.

Improve-
ments to
form public
streets.
Repair etc.

37. When and as each of the improvements or any part thereof is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the improvement to which it relates as shall have been laid out for carriageway or footway shall form part of the street and may be used by the public accordingly. Subject to the provisions of this Act so much of the land acquired by the Council for the widening of any street as is thrown into and used for the carriageway or footway of any street (except Southampton Row) widened under this Act shall on the completion of such widening become vested in the council of the metropolitan borough in whom the management and control of the existing street is vested and the land acquired by the Council for the widenings at Southampton Row by this Act authorised shall remain and be vested in the Council and subject to the provisions of this Act the maintenance repair paving cleansing and lighting of each of the improvements shall be under the care management control and jurisdiction of the council of the metropolitan borough in which the improvement is situate:

Provided also that the provisions of this section with reference to the repair of carriageway shall not apply to that part of any carriageway which under the provisions of the Tramways Act 1870* the Council is bound to keep in repair.

* See Appendix.

38. The Council may sell or dispose of all building and other materials of any houses and buildings acquired by them under the powers of this Act and all lamp-posts paving metalling and materials in under or upon any road street or other place altered by them for the purposes of this Act (except any paving metalling or road materials excavated in constructing any tramway by this Act authorised) and any materials obtained in the alteration of or interference with any drain or sewer which are vested in the Council under the powers of this Act. Power to sell materials.

39. [*Power to the Council to take lands. Identical with 1 Edw. 7, c. cclxxi. s. 39.*]

40.—(1) Subject to the provisions of this Act the Council may enter upon and take the lands described in Part I. of the First Schedule to this Act except the portions of the said lands numbered 1 and 3 on the deposited plans which are vested in the King's Majesty and under the management of the Commissioners of Woods and when the Council have acquired the lands on both sides of Pulford Terrace which they are by this Act authorised to purchase and take the Council may stop up and appropriate so much of Pulford Terrace as is shown on the deposited plans as to be stopped up. Purchase of lands and power to erect and equip generating station.

(2) The Council may on the lands described in Parts I. and II. of the said Schedule (except the said portions of land numbered 1 and 3 as aforesaid) or on any part or parts of such lands erect maintain and use a station or stations for generating and transforming electrical energy with all necessary engines dynamos plant and machinery.

41. [*Power to certain persons to grant easements, etc., by agreement. Identical with 1 Edw. 7, c. cclxxi. s. 41.*]

42—49. [*As to errors and omissions in plans—Power to the Council to enter and survey lands to be taken—As to costs of arbitration and compensation in the case of recently altered buildings—As to taking parts only of certain properties—As to compensation in cases of insanitary property—As to the alteration of the position of water, gas, and other pipes—For the protection of gas and water companies.*]

50. [*As to alteration of electric lines. Identical with 1 Edw. 7, c. cclxxi. s. 50.*]

51. [*Power to the Council to make agreements with owners of property, etc. Identical with 54 & 55 Vict. c. cexi. s. 34.*]

52. [*Period for compulsory purchase of lands limited to 3 years. Extended till 9th August 1909 by 6 Edw. 7, c. cl. s. 25.*]

53. [*Period for completion of works limited to 7 years.*]

54. [*The Council to dispose of lands within a certain period. Identical with 2 Edw. 7, c. cexix. s. 41.*]

55. [*As to confirmation of the agreement set out in the 4th Schedule. Spent.*]

56. [*As to the incorporation of certain provisions of 1 Edw. 7, c. cclxxi. with reference to lands, etc. Identical with 2 Edw. 7, c. cexix. s. 42.*]

57—59. [*Requiring the Council of the Metropolitan Borough of Hammersmith to contribute a sum not exceeding one-third of the cost of widening Scrubbs Lane and Brook Green Lane, empowering the said Council to borrow for such purpose, and providing that the*

money thus borrowed shall be repaid within 60 years—As to separate accounts and accounts of joint works.]

60. *[Power to the Council to borrow. Superseded by the London County Council (Money) Acts 1904—1906.]*

61. *[As to a separate account of receipts and payments relating to tramways. Identical with 1 Edw. 7, c. cclxxi. s. 68.]*

Apportion-
ment of ex-
penses of
certain im-
provements.

62. The Council may if they think fit apportion the costs and expenses of the improvements or any of them in such manner as they may think proper between the improvements account and any separate account which they may keep in relation to tramways.

As to pay-
ments under
this Act.

63. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general or special county purposes within the meaning of the Local Government Act 1888 as the Council may decide. . . . *[Part omitted (as to expenses of obtaining this Act and as to the payment by the Council of the Metropolitan Borough of Woolwich of a portion thereof) spent.]*

64—72. *[Powers to the Council of the Metropolitan Borough of Woolwich to widen and improve Well Hall Road, and to make a new road in the parish of Eltham, and provisions relating thereto, and authorising such Council to borrow a sum not exceeding £27,200 for such purposes—Periods for the compulsory purchase of lands required for such widening and improvement and for the completion of the works limited to 3 and 7 years respectively. Amended by 4 Edw. 7, c. ccxxxii. s. 37.]*

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

LANDS FOR GENERATING STATION.

PART I.

(A) Lands in the parish of Saint George Hanover Square in the county of London forming part of the site of the Pimlico Gasworks lying between Pulford Street and the King's Scholars Pond sewer bounded on part of the north-east by lands (also forming part of the site of the said gasworks) belonging or reputed to belong to the Council on the west and part of the north-west and south-west by the rear of premises in Pulford Street on other part of the north-west and south-west and on the south and part of the south-east by Pulford Street on other part of the south-west by Pulford Terrace on other part of the south-east by Grosvenor Road on other part of the north-east and south-east by the side and rear of premises in Grosvenor Road on other part of the north-east by the roadway leading from Grosvenor Road to the site of the said gasworks. The said lands comprise part of the site of the said gasworks and the premises numbered 1 to 35 (both inclusive) in Pulford Street 1 to 5 (both inclusive) in Pulford Terrace and 80 and 81 in Grosvenor Road.

(B) Lands in the said parish bounded on the north-west by Grosvenor Road on the south-east by the River Thames on the north-east by lands belonging or reputed to belong to the Council and on the south-west by the building and premises comprising Cameron's coal wharf and extending for a distance of $3\frac{1}{2}$ chains or thereabouts measured in a north-easterly direction along Grosvenor Road from a point opposite the centre of Pulford Street at its junction with that road.

(C) Lands in the parish of Saint John the Evangelist Westminster and county of London bounded on the south-west by the King's Scholars Pond sewer and on the north-east by the rear of premises on the south-western side of Bessborough Place and extending along the said sewer from the southern side of Lupus Street to a point $7\frac{1}{2}$ chains or thereabouts measured in a south-easterly direction from the said southern side of Lupus Street.

PART II.

1. Lands in the said parish of Saint George Hanover Square belonging or reputed to belong to the Council forming part of the site of the said gasworks bounded on the north by Lupus Street on the north-east by the King's Scholars Pond sewer on the south-east by Grosvenor Road and on the south-west in part by Pulford Street and in other part by the lands described in paragraph (A) of Part I. of this schedule and the roadway leading from Grosvenor Road to the site of the said gasworks.

2. Lands in the same parish bounded on the north-west by Grosvenor Road on the south-west by the lands described in paragraph (B) of Part I. of this schedule on the north-east by other lands in Grosvenor Road and on the south-east by the River Thames and extending from a point opposite the entrance from Grosvenor Road to the site of the said gasworks to a point 1 chain or thereabouts measured in a north-easterly direction from the said point.

SECOND SCHEDULE. [*Description of properties of which portions only are required to be taken by the Council.*]

THIRD SCHEDULE. [*Description of properties of which portions only are required to be taken by the Woolwich Council.*]

FOURTH SCHEDULE. [*Agreement made the 28th April 1903 between the Honourable William Edward Sackville West and Cosmo Romilly (trustees of the will dated the 7th May 1861 and with two codicils thereto passed on the 31st July 1861 of the Most Noble Francis, seventh Duke of Bedford, deceased) of the first part, the Most Noble Herbrand, eleventh Duke of Bedford, K.G., the present tenant for life in possession under the said will, of the second part, and the Council of the Administrative County of London, of the third part, as to the purchase of lands in Southampton Row.*]

4 EDWARD VII. A.D. 1904.

CHAPTER 13.

AN ACT TO PROVIDE FOR THE ADJUSTMENT, IN ACCORDANCE WITH CHANGES OF BOUNDARY EFFECTED UNDER THE LONDON GOVERNMENT ACT, 1899, OF THE AREAS WITHIN WHICH LOCAL AUTHORITIES AND COMPANIES ARE AUTHORISED TO SUPPLY ELECTRICITY. [15th August 1904.]

[*Preamble recites that it is expedient to make the boundaries of the areas within which the council of any metropolitan borough in London is authorised to supply electricity coterminous, as far as may be, with the boundaries of the borough, and for that purpose to affect in certain cases the boundaries of the areas of supply of companies authorised to supply electricity: and to provide for agreements being made as between companies authorised to supply electricity for the purpose of making their areas of supply coterminous, as far as may be, with the areas of the metropolitan boroughs.*]

1. Where by reason of any alteration of boundary under the London Government Act, 1899, any area, being part of the area of supply of the council of a metropolitan borough, has become situate outside the borough, that area shall (except as provided by this Act), as from the date of the passing of this Act, be transferred to and become part of the area of supply of the council of the borough in which the transferred area has become situated if that council are authorised to supply electricity within the borough, or, if that council are not so authorised, of any company so authorised, but only if the area of supply of that council or company adjoins the transferred area.

Adjustment
of area of
supply of
local autho-
rity.
62 & 63 Vict.
c. 14.

Adjustment
of area of
supply as
between
companies,
etc. and local
authorities.

2. Where by reason of any alteration of boundary under the London Government Act, 1899, any area, being part of the area of supply of a company authorised to supply electricity, or being an area in which no authority or company are authorised to supply electricity, has become situate within a borough in which the council of the borough are authorised to supply electricity, that area shall (except as provided by this Act), as from the date of the passing of this Act, be transferred to and become part of the area of supply of the council of the borough, but only if the area of supply of that council adjoins the transferred area.

Provided that this section shall not apply in the case of an area being part of the area of supply of a company—

- (a) where the area consists of or comprises a whole parish or the greater part of a parish ; or,
- (b) where the company are authorised to supply within the borough in which the area has become situate, at any point adjoining the area.

Exception
where works
have been
executed.

3. The foregoing provisions of this Act as to the transfer of parts of areas of supply shall not apply in the case of any part of an area of supply in which mains (other than mains along a boundary road) or other works suitable to and used for the supply of electricity have been laid down or executed before the first day of January nineteen hundred and four.

Confirma-
tion of
agreements.

4.—(1) The Board of Trade may, if they think it expedient, confirm—

- (a) any agreement for the transfer of any part of an area of supply of one company to an area of supply of another company (whether for all purposes or for the purpose of the public lighting of streets only), made with a view of making the boundaries of the areas of supply of the companies coterminous with the boundaries of metropolitan boroughs ; and
 - (b) any agreement between companies for the supply by one of those companies of electricity for the public lighting of the whole of any street which forms a boundary between the areas of supply of those companies, if the agreement is made with the concurrence of the authority who have the management of the street for lighting purposes ; and
 - (c) any agreement for the transfer of an area which would have been transferred under this Act if mains or other works suitable to and used for the supply of electricity had not been laid down or executed therein before the first day of January nineteen hundred and four ; and
 - (d) any other agreement for the transfer of an area for the purpose of furthering the objects of this Act ;
- and any council or company shall have power to make agreements for the purpose, and to do all things necessary for carrying out the transfer.

(2) Any transfer under an agreement so confirmed shall have effect as if it had been made by this Act.

Effect of
transfer.

5. As from the date on which the transfer of any area under this Act takes effect, any council or company to whom any area is transferred shall, in relation to the transferred area, have the same powers, duties, and obligations with respect to the supply of elec-

tricity as they have in relation to the rest of the area of supply, of which the transferred area becomes part, and the powers, duties, and obligations of the council or company (if any) from whom the area is transferred in relation to the supply of electricity within the transferred area shall cease without prejudice to anything done or suffered before the date on which the transfer takes effect.

6.—(1) Where the Board of Trade, on the application made to them before the thirty-first day of December nineteen hundred and five of any person appearing to them to be interested, are of opinion that, by reason of the inability of any council or company to whom any transfer of an area is made under this Act to give a proper supply of electricity within the area, or for any other cause, the postponement of any transfer made by this Act is expedient, they may order that the transfer effected by this Act shall be postponed either as to the whole or any part of the area to be transferred until a date fixed by them for the operation thereof, and the transfer shall be postponed accordingly.

Postponement of transfer and other powers of Board of Trade.

(2) Where the effect of any transfer made by this Act is to separate any works of a council or company authorised to supply electricity from their area of supply, or where the Board of Trade are satisfied that it is convenient that any mains used for the purpose of supply within the area of supply of a council or company should continue to be laid in a transferred area, the Board may, on an application for a postponement of the transfer, or an application made for the special purpose, order that the council or company shall continue to have, notwithstanding the transfer, the same power of breaking up any street, railway, or tramway mentioned in the order as they had before the transfer, and the council or company shall have those powers accordingly, subject to any conditions or provisions which apply to the exercise of those powers.

7. Where the council of any metropolitan borough continue to have power to supply electricity or to break up streets in an area outside their borough, the council of the borough in which the outside area is situate shall be in the same position with respect to the council having those powers in the area as they would be in if the last-mentioned council were a company supplying electricity in the area under a Provisional Order with which the provisions contained in the schedule to the Electric Lighting (Clauses) Act, 1899, were incorporated.

Obligations as to streets in outside area.

62 & 63 Vict. c. 19.

3. Any council or company whose area of supply is altered by any transfer under this Act shall, within two months after the date on which the alteration takes effect, supply to the Board of Trade, to the London County Council, and to the council of any metropolitan borough within which any part of the area of supply is situated, a map of the altered area on such scale and certified in such manner as the Board direct.

Supply of maps of altered areas.

9. If any question arises under this Act as to whether any area is transferred by this Act or as to the area of supply to which it is transferred, or to the supply of electricity in any area transferred under this Act, that question shall be referred to and determined by the Board of Trade.

Determination of questions by Board of Trade.

10. The provisions of this Act shall apply in the case of any alteration under the London Government Act, 1899, of the boundaries of the administrative county of London in the same manner as it applies in the case of any alteration of area under the London

Provision where boundaries of county are altered.

Government Act, 1899, which takes effect solely within that county, with the substitution where necessary of the district or borough council for the council of a metropolitan borough, and of the district or borough for the metropolitan borough as the case may require.

Saving for
orders under
18 & 19 Vict.
c. 120, s. 140.

11. Nothing in this Act shall affect any order made under section one hundred and forty of the Metropolis Management Act, 1855 (which relates to the management of streets in different parishes), or the provisions of any scheme made under the London Government Act, 1899.

Proceedings
of Board of
Trade.

12.—(1) Anything required or authorised to be done under this Act by the Board of Trade may be done by the President or a secretary or assistant secretary of the Board.

(2) All documents purporting to be orders under this Act made by the Board of Trade, and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown.

(3) A certificate, signed by the President of the Board of Trade, that any order made or act done under this Act is the order or act of the Board, shall be conclusive evidence of the fact so certified.

Interpreta-
tion.

13. In this Act, unless the context otherwise requires,—

The expression “authorised” means authorised on the first day of January nineteen hundred and four by Act of Parliament or by a Provisional Order confirmed by an Act of Parliament; and

The expression “area of supply” means the area within which any council or company are authorised to supply electricity; and

The expression “electricity” has the same meaning as in the Electric Lighting Act, 1882.

45 & 46 Vict.
c. 56.

Short title.

14. This Act may be cited as the London Electric Lighting Areas Act, 1904.

CHAPTER XCVII.

AN ACT TO REGULATE THE EXPENDITURE OF MONEY BY THE LONDON COUNTY COUNCIL ON CAPITAL ACCOUNT DURING THE CURRENT FINANCIAL PERIOD AND THE RAISING OF MONEY TO MEET SUCH EXPENDITURE AND FOR OTHER PURPOSES.

[22nd July 1904.]

[Preamble.]

Short title.

1. This Act may be cited for all purposes as the London County Council (Money) Act 1904 and the London County Council (Money) Acts 1875 to 1903 and this Act may be cited together as the London County Council (Money) Acts 1875 to 1904.

Construction
of Act.

2. This Act shall subject to the provisions thereof be read and have effect as one with the Metropolitan Board of Works (Loans) Acts 1869 to 1871 and the London County Council (Money) Acts 1875 to 1903:

But all consolidated stock created by the Council shall be charged upon the county rate in substitution for the consolidated rate.

3. In and for the purposes of this Act—

The expression “the Council” shall mean the London County Council : Interpreta-
tion.

The expression “metropolitan borough council” shall mean the council for a metropolitan borough constituted under the London Government Act 1899 :

The expression “the School Board” shall mean the School Board for London.

The expression “the financial year” shall mean the period from the first day of April one thousand nine hundred and four to the thirty-first day of March one thousand nine hundred and five both dates inclusive :

The expression “the following six months” shall mean the period from the first day of April one thousand nine hundred and five to the thirtieth day of September one thousand nine hundred and five both dates inclusive :

The expression “the financial period” shall mean the financial year and the following six months :

The expression “the appointed day” shall mean the first day of May one thousand nine hundred and four.

[Part omitted (definition of the expression “Main Drainage Acts”) spent.]

4—5. [Power to the Council during the financial period to expend money for sundry purposes. Spent.]

6. [Provision that if under any Act of Parliament* passed in the present session the Council of the Metropolitan Borough of Saint Marylebone shall be authorised to borrow moneys to the amount herein-after specified for the purpose of purchasing the undertaking and business of the Metropolitan Electric Supply Company Limited in the metropolitan borough of Saint Marylebone as defined by the Electric Lighting Order Confirmation (No. 1) Act 1901 then the Council may during the financial year lend to the Council of the Metropolitan Borough of Saint Marylebone and the Council of that borough may borrow for that purpose such sum as may be required not exceeding one million four hundred and fifteen thousand pounds. Spent.]

Moneys borrowed from and lent by the Council under this section shall be repaid to the Council with interest within such time after the borrowing as the Council with the approval of the Treasury shall determine not exceeding thirty-eight years.

7. [Power to the Council during the financial period to lend to metropolitan borough councils, corporations, or other public bodies in London. Spent.—Provision as to repayment. Identical with such provision in 2 Edw. 7, c. clxiv. s. 6.]

8. [Power to the Council during the financial period to lend to boards of guardians in London. Spent.—Provision as to repayment. Identical with such provision in 61 & 62 Vict. c. cexxii. s. 7.]

9. [Power to the Council during the financial period to lend to the Managers of the Metropolitan Asylum District. Spent.]

10.

(2) All moneys borrowed from and lent by the Council under this section which shall have been expended by the School Board shall Power to lend
to School
Board and
expenditure

* See the St. Marylebone Electric Lighting Act, 1901.

by Council
under Edu-
cation Acts
1870 to 1903.

for the purposes of repayment be deemed to have been borrowed and expended by the Council under and for the purposes of the Education Acts 1870 to 1903.

(3) As from the appointed day all money borrowed from and lent by the Council under this section and not expended by the School Board shall be repaid to the Council and shall be applicable and applied by the Council for capital expenditure for the purposes of the Education Acts 1870 to 1903.

(4) Moneys expended by the Council under the authority of this section shall be repayable within such term not exceeding sixty years as the Council with the consent of the Treasury may determine.

[*Part omitted (power to the Council prior to the appointed day to lend to the School Board for London) spent.*]

11. [*Power to the Council during the financial period to lend to persons for purposes of Small Dwellings Acquisition Act 1899. Identical with 3 Edw. 7, c. cxxviii. s. 11.*]

12. [*Protection of the Council in case of certain loans. Identical with 54 & 55 Vict. c. 62, s. 13, omitting the words "body of Commissioners."*]

As to money
lent by
Council in
certain cases.

13. Money lent by the Council under the powers of this Act during the six months ending the thirtieth day of September one thousand nine hundred and five shall be lent on account of the financial year ending the thirty-first day of March one thousand nine hundred and six.

Power to
raise money
by creation
of consoli-
dated stock.

14. In order to raise the money for the several purposes for which the Council are by this Act authorised to expend or lend money the Council may from time to time create consolidated stock and the following provisions shall have effect:—

- (i) Where the Council under the authority of this Act create consolidated stock to raise money to enable them to meet expenditure or make a loan repayable within a period of less than sixty years from the date of such expenditure or loan the Council shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve as being in their opinion sufficient to redeem within the period authorised for the repayment of such expenditure or loan an amount of consolidated stock equal to that so created :
- (ii) Where the Council create consolidated stock for the purpose of any scheme made by the Metropolitan Board of Works or the Council under the Housing of the Working Classes Acts 1890 to 1903 or any enactments repealed by those Acts or for any other purpose the cost of which is chargeable as a special county purpose all money required for payment of dividends on and the redemption of all consolidated stock created for such purpose shall be charged to the special county account to which the expenditure for the purposes of the said Acts is chargeable :
- (iii) Consolidated stock for the purposes of this Act may be created by the Council from time to time in such amounts and at such times only as the Council shall actually require for the said purposes respectively.

15. [*As to repayment of moneys lent by the Council. Identical with 62 & 63 Vict. c. cxxxviii. s. 15.*]

New redeem-
able consoli-
dated stock.

16. All stock created under the powers of this section shall form part of and rank equally with the consolidated stock created under the powers of the London County Council (Money) Acts 1896 to 1903 and shall also rank equally with all consolidated stock created under the powers of any subsequent Act if the same be thereby declared to rank equally with consolidated stock created under the powers of this section. [*Part omitted identical with 59 & 60 Vict. c. cxxiv. s. 14, down to the words "sinking fund in respect of such stock."*]

Employment
of money of
Consolidated
Loans Fund
for expendi-
ture or loans.

17. (4) Where the Council are by this Act authorised to make a loan they may instead of raising money for any such loan by the creation of consolidated stock employ for any such loan any money for the time being standing to the capital account of the Consolidated Loans Fund. Provided that no such money shall be employed for any loan repayable at a date later than the date (if any) at which the consolidated stock redeemable by means of the money so used is required to be redeemed and (as regards stock which is not required to be redeemed at any fixed date) after a longer period than sixty years from the date of borrowing.

[*Part omitted identical with 59 & 60 Vict. c. cxxiv. s. 15.*]

18.—(1) The Council may during the financial period employ (with the approval of the Treasury) any money for the time being standing to the capital account of the Consolidated Loans Fund for providing a working balance for the purposes of the Education Acts 1870 to 1903 not exceeding in the aggregate the sum of one hundred thousand pounds.

Power to
resort to Con-
solidated
Loans Fund
for provision
of working
balance for
purposes of
Education
Acts.

(2) All moneys so employed by the Council under the powers of this section shall be replaced in the Consolidated Loans Fund within a period of five years from the end of the financial year in which such moneys are so employed and the Council shall in each year raise as part of the county rate and carry to the Consolidated Loans Fund such sum as the Treasury approve as being in their opinion a proper and sufficient contribution in respect of that year towards such replacement and for the payment of interest on the moneys so employed.

19.—(1) If and so far as any moneys applicable for that purpose transferred from the School Board to the Council under the Education Acts 1870 to 1903 are insufficient for the payment of the principal or any instalments of principal due in respect of debts and liabilities transferred from the School Board to the Council under the said Acts the Council may as from the appointed day from time to time apply in payment of the principal or instalments of principal due in respect of such debts and liabilities any money for the time being standing to the capital account of the Consolidated Loans Fund and realise for that purpose any securities in which such money shall be at the time invested.

Power to
employ Con-
solidated
Loans Fund
for payment
of instalments
of debts
transferred
from School
Board.

(2) The Council shall in each year raise as part of the county rate such sum as the Treasury approve as being in their opinion a proper and sufficient contribution in respect of that year towards the provision of the sums from time to time required for payment of such principal or instalments of principal at or before the date on which the same will become payable and for the payment of interest on such debts and liabilities and such sums shall be carried by the Council to the Consolidated Loans Fund.

20. [As to the investment of money of the Consolidated Loans Fund. Identical with 59 & 60 Vict. c. cxxiv. s. 16.]

21. [Power to the Council after the issue of stock to apply money raised by stock to make up dividends from fixed dates. Spent.]

22. [As to the redemption or conversion of stock. Identical with 59 & 60 Vict. c. cxxiv. s. 18.]

23. [The limitation on the borrowing power of the Council contained in s. 38 of 32 & 33 Vict. c. 102 not to extend to money raised under this Act.]

24. [Limit to the exercise of borrowing powers by the Council during the financial period. Spent.]

25. [Incorporation of ss. 27—43 of 48 & 49 Vict. c. 50. Identical with 59 & 60 Vict. c. cxxiv. s. 21.]

26. [Application of s. 22 of 1 Edw. 7, c. lxxxvii. to this Act. See rule on that section.]

Provisions
as to raising
money by
bills.

27. Instead of raising for any purposes by the creation and issue of stock money which they are authorised to raise by that method under the powers of this Act the Council may raise for those purposes such money by means of bills subject to and in accordance with the provisions of section 21 of the London County Council (Money) Act 1897 :

Provided that notwithstanding the provisions contained in sub-section (10) of section 21 of the said Act of 1897 the aggregate amount payable on bills current at any one time shall not exceed—

(a) in the case of bills issued for raising money for the purpose of the loan to the Council of the Metropolitan Borough of Saint Marylebone referred to in the section of this Act of which the marginal note is "Loan to Council of Metropolitan Borough of Saint Marylebone for purchase of electric lighting undertaking" the sum of one million five hundred thousand pounds ; and

(b) in the case of any other bills issued under the powers of this section the sum of two million pounds :

except in either case by the amount payable on bills issued shortly before any other bills fall due in order to pay off those bills :

Provided also that the provisions of subsection (11) of section 21 of the said Act of 1897 with respect to payments into the Consolidated Loans Fund shall not apply to any bills of the class (a) above referred to.

28. [Applications of ss. 8—11 of the Forgery Act 1861* to London County Bills. Identical with 61 & 62 Vict. c. cxxii. s. 24.]

As to pay-
ments under
this Act.

29. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [Part omitted (as to the expenses of obtaining this Act) spent.]

SCHEDULE. [Particulars of purposes for which moneys may be raised under this Act, and of the sums authorised to be raised for such purposes. Spent.]

* See Appendix.

CHAPTER CXII.

AN ACT TO CONFIRM A PROVISIONAL ORDER MADE BY THE BOARD OF EDUCATION UNDER THE EDUCATION ACTS 1870 TO 1903 TO ENABLE THE SCHOOL BOARD FOR LONDON TO PUT IN FORCE THE LANDS CLAUSES ACTS.

[22nd July 1904.]

[*Preamble recites that the property, powers, rights, and liabilities of the School Board for London were, since the making of the Provisional Order set out in the Schedule, transferred to the London County Council (hereinafter called "the Council").*]

1. The following Order as set out in the Schedule to this Act shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force. Confirmation of Order in Schedule.

2. Nothing herein contained shall be construed to authorise the Council to extinguish any public rights of way without such Order being obtained as but for this Act would have been required for that purpose. Saving of public rights of way.

3—4. [*Burial Ground in Plan No. 11 (Wycliffe Chapel Burial Ground) not to be exempt from Open Spaces Acts, and as to removal of human remains therefrom. Lapsed.*]

5. In the case of any of the sites which the Council are by this Act and the Order scheduled hereto authorised to acquire and which abut upon streets or roads which are not in the opinion of the Council sufficiently wide for the accommodation of the present and probable future traffic or for the convenience of the persons using the said streets or roads it shall be lawful for the Council to appropriate take and use for the purpose of widening any such streets or roads so much of any of the said sites as the Council may determine to be necessary for such purpose : Council may appropriate etc. for street widenings portions of sites acquired.

Provided that if the Council appropriate take or use under the provisions of this section any part of any such site for the purpose of widening any street or road such part of the cost of the acquisition of such site and of any expenses incidental to such acquisition as the Council may determine shall be deemed to be part of the costs and expenses of the Council in connexion with street improvements.

6. Nothing contained in this Act or the Order set out in the Schedule to this Act or on the plans therein mentioned shall be deemed to exempt any of the lands referred to in the said Order or the School Board in respect thereof from any of the provisions of the Metropolis Management Act 1855 the London Building Act 1894 the Housing of the Working Classes Act 1903 and any Acts amending or extending the same. Saving for provisions of 18 & 19 Vict. c. 120. 57 & 58 Vict. c. cxxiii. 3 Edw. 7, c. 39.

7. References to the School Board for London in the Order hereby confirmed shall be construed as references to the Council. Council to be substituted for School Board in Order.

8. This Act may be cited as the Education Board Provisional Order Confirmation (London) Act 1904. Short title.

SCHEDULE. [*Provisional Order of the Board of Education, dated 29th March 1904, authorising the School Board for London to put in force the Lands Clauses Acts for the purchase and taking otherwise than by agreement of certain lands in the metropolitan boroughs of Hammersmith, Greenwich, Deptford, Woolwich, Wandsworth, Stepney, Lewisham, Hackney, Shoreditch, Southwark, Camberwell, Lambeth, St. Pancras, Hampstead, Paddington, and Poplar, and in the urban district of Fenny, which lands are delineated on the plans marked 1 to 4, 8, 11 to 16, 18 to 25, 27 to 30, 32 to 39, 41 to 44, 46 and 47 referred to in such Order.*]

CHAPTER CCIII.

AN ACT TO PROVIDE FOR THE ACQUISITION AND CONSTRUCTION OF PIERS AND LANDING PLACES ON THE RIVER THAMES IN THE ADMINISTRATIVE COUNTY OF LONDON BY THE LONDON COUNTY COUNCIL AND TO MAKE PROVISION FOR A SERVICE OF VESSELS FOR PASSENGERS AND PARCELS AND FOR OTHER PURPOSES.

[15th August 1904.]

[Preamble recites (inter alia) 6 & 7 Wm. 4. c. cxviii., and that the pier constructed by the Greenwich Pier Company in pursuance of the said powers (hereinafter referred to as "Greenwich pier") is as to a portion thereof erected on lands held by the said Greenwich Pier Company on lease from the Lords Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, as successors of the Commissioners of Greenwich Hospital, and as to the remainder thereof upon land belonging, or reputed to belong to, the said Greenwich Pier Company.]

Short title.

1. This Act may be cited as the Thames River Steamboat Service Act 1904.

Interpretation.

2. In this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction namely :—

The expression "the Council" means the London County Council ;

The expression "the Conservators" means the Conservators of the River Thames ;

The expression "the Greenwich Company" means the Greenwich Pier Company ;

The expression "the limits of this Act" means that part of the River Thames which is situate between the eastern end of Chiswick Eyot in the metropolitan borough of Hammersmith on the west and the eastern boundary of the parish of Plumstead in the metropolitan borough of Woolwich on the east ;

The expression "lands" includes piers landing places approaches and accesses and works connected therewith and any estate or interest therein and any rights or privileges exercisable thereat ;

The expression "vessel" means and includes any ship lighter keel barge launch house-boat pleasure or other boat randan wherry skiff dinghy shallop punt canoe yacht raft float of timber or craft whatever however navigated ;

The expression "the piers and landing places" whether with or without a reference to other works means piers landing places approaches and accesses transferred or leased to or acquired constructed worked or controlled by the Council under the provisions of this Act and works connected therewith respectively ;

And the several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction :

Provided that for the purposes of this Act the expressions "the promoters of the undertaking" and "the Company" in the Lands

Clauses Acts shall be construed to mean “the Council” and the expression “lands” shall be construed to include the same matters and things as are included in the expression “lands” as defined by this Act.

3. The following Acts and part of an Act are incorporated with and form part of this Act namely :—

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845 and except where expressly varied by this Act) ; and

Section 28 of the Harbours Docks and Piers Clauses Act 1847.

4. It shall be lawful for the Council on the one hand and the Conservators on the other hand to enter into and carry into effect any agreement or agreements with respect to the following matters or any of them :—

- (1) The transfer or granting to the Council by the Conservators of any piers landing places or other similar works and any moorings mooring-chains buoys or other appliances belonging to the Conservators within the limits of this Act or any approaches or accesses to or any estate or interest in such piers landing places works and appliances :
- (2) The transfer to and exercise by the Council of any powers and rights of the Conservators with respect to the levying of tolls rates and charges at and the maintenance management and regulation of any piers landing places approaches accesses moorings mooring-chains buoys and other works and appliances so transferred.

5. It shall be lawful for the Council to enter into and carry into effect agreements with the owners of and persons interested in any piers landing places moorings mooring-chains buoys and works on the River Thames within the limits of this Act for the transfer or granting to the Council of such piers landing places moorings mooring-chains buoys and works respectively or any of them together with any lands and property belonging thereto or occupied therewith respectively or any estate or interest in such piers landing places works lands or property and all or any rights and privileges exerciseable at or in respect of such piers landing places moorings mooring-chains buoys or works but subject to the payment to the Conservators of any rents which at the time of such transfer or grant shall be payable in respect thereof to the Conservators and to the performance of any covenants and conditions enforceable by the Conservators in respect thereof.

6. *[As to the transfer of the undertaking of the Greenwich Pier Company to the Council. Spent.]*

7. It shall be lawful for the Council to exercise within the limits of this Act the following powers :—

- (1) To maintain alter improve remove or discontinue any of the existing piers landing places and approaches and any moorings mooring-chains buoys or other appliances acquired by or transferred to them under the powers of this Act and to make new accesses and approaches to any such piers and landing places :
- (2) To construct new piers and landing places and approaches and accesses thereto and other similar works with the

licence of the Conservators and to maintain alter improve remove or discontinue the same :

Provided that the Council shall not commence the construction of any new pier or other work or the alteration or improvement of any existing pier or other work under the powers of this Act until plans and sections have been submitted to and approved by the Conservators and all such works shall be executed and performed to the satisfaction of the engineer of the Conservators and the traffic of the river shall not be interfered with more than may be absolutely necessary in the execution of the works :

Provided further that the consideration payable to the Conservators in respect of any such works as aforesaid shall be assessed in accordance with the provisions of section 116 of the Thames Conservancy Act 1894 * or any statutory provision in lieu thereof for the time being in force :

- (3) To provide with the licence of the Conservators such stages moorings mooring-chains buoys and other appliances as shall be necessary at and in connection with the piers and landing places.

For protec-
tion of
trustees of
Inner and
Middle
Temples.

8. Nothing in this Act shall authorise the Council to construct any pier landing place and approaches thereto or any similar works or to provide any moorings mooring-chains buoys or other appliances on the foreshore or bed of the river lying to the south of the land vested in the respective trustees of the Societies of the Inner Temple and the Middle Temple or in any way to interfere with the access to their private landing place without the consent in writing of the treasurers for the time being of the two societies respectively.

Power to
dredge.

9. For the purpose of making and improving access to and use of the piers and landing places from time to time belonging to or worked or controlled by the Council it shall be lawful for the Council with the licence of the Conservators within the limits of this Act from time to time to deepen dredge and improve the bed channel and foreshore of the River Thames and the Council may dispose by sale or otherwise as they may think fit of the ballast or material so excavated :

Provided always that all dredging or other works done under this section under or within fifty yards on either side of any bridge belonging to the Corporation of the City of London shall be executed under the supervision and to the satisfaction of the said Corporation.

For protec-
tion of East
London Rail-
way Company
and East
London Rail-
way Joint
Committee.

10. Notwithstanding any powers contained in this Act no works of dredging or deepening shall be carried out under the powers of this Act in the bed of the River Thames within three hundred yards of any portion of the Thames Tunnel without the consent in writing of the East London Railway Company and the East London Railway Joint Committee.

As to dredg-
ing near
bridges of
South East-
ern and
Chatham

11. All dredging or other works affecting the bed or banks of the River Thames done under the powers of this Act under or within fifty yards on either side of any bridge over the said river belonging to the South Eastern Railway Company or the London Chatham and Dover Railway Company or the South Eastern

* See Appendix.

and Chatham Railway Companies' Managing Committee or to the London and South Western Railway Company (in this section respectively referred to as "the railway company") shall be executed under the supervision (if he shall give such supervision) and subject to any reasonable requirements of the engineer to the railway company to whom due notice with particulars shall be given except in case of emergency. Provided that if any question shall arise as to whether any such requirement is reasonable or otherwise such question shall be determined by an engineer to be appointed on the application of either party by the president of the Institution of Civil Engineers.

Railway Companies' Managing Committee and London and South Western Railway Company.

12. [*Provisions for the protection of the Greenwich Pier Company until the Council shall have purchased the Company's undertaking. Spent.*]

13. All dredging or other works affecting the bed or banks of the River Thames executed under the powers of this Act within fifty yards of the Putney Bridge (Fulham) pier of the Metropolitan District Railway Company (in this section called "the Company") or within the like distance of the Company's generating station (constructed under the powers of the Metropolitan District Railway Acts 1900 and 1901) situate on the bank of the River Thames near Lots Road Chelsea or which may affect the condensing water pipes or any other works connected with such generating station shall only be executed under the supervision (if he shall give such supervision) and subject to the reasonable requirements of the engineer to the Company to whom due notice with particulars shall be given except in case of emergency. Provided that if any question shall arise as to whether any such requirement is reasonable or otherwise such question shall be determined by an engineer to be appointed on the application of either party by the president of the Institution of Civil Engineers.

For protection of Metropolitan District Railway Company.

14. [*As to purchase by the Council of the piers of the Thames Steamboat Company (1897), Limited, which are situated within the limits of this Act. Spent.*]

15. The Council may charge and levy in respect of vessels calling at the piers and landing places a toll not exceeding the amount stated in the schedule to this Act which shall be payable by the owner master or person in charge of such vessel and the collector of the said tolls at any such pier or landing place may prevent any vessel the master owner or person in charge of which shall neglect or refuse to pay on demand the proper amount of toll payable in respect of such vessel from making fast to or mooring or touching at such pier or landing place.

Tolls on vessels.

The Council may permit any stages moorings mooring-chains buoys or other appliances provided by them under this Act to be used by any vessels on such terms and conditions and on payment of such charges as they may from time to time prescribe.

16. It shall be lawful for the Council to contract for provide or cause to be constructed or to purchase or take on hire vessels and to run a service of vessels suitable for the conveyance of passengers and parcels within the limits of this Act and to maintain renew and work such vessels.

Service of passenger vessels.

17. The Council may (if they think fit) carry parcels on the vessels provided by them as aforesaid provided that no such parcel shall exceed one hundred and twelve pounds in weight.

Parcels.

Council not
to carry
animals etc.

18. Nothing in this Act shall authorise the Council to carry on such vessels any cattle or other animals or any goods articles or merchandise other than parcels not exceeding one hundred and twelve pounds in weight.

Rates for
passengers
and parcels.

19. The Council may charge for the conveyance of passengers and parcels by any such vessel as aforesaid any rates or charges not exceeding those stated in the schedule to this Act.

Passengers'
luggage.

20.—(1) Every passenger by any such vessel as aforesaid may take with him his personal luggage not exceeding fifty-six pounds in weight without any charge being made for the carriage thereof provided that all such personal luggage be carried by the passenger and at the responsibility of the passenger and shall not occupy any part of a seat or be of a form or description to annoy or inconvenience any other passenger.

(2) The Council may at their option either refuse to carry the personal luggage beyond fifty-six pounds in weight of any passenger or charge for such excess the rates and charges authorised by this Act for the conveyance of parcels :

Provided that the Council shall not be at liberty to refuse to carry the personal luggage not exceeding one hundred and twelve pounds in weight of any passenger except at times on occasions or under circumstances which they shall have previously specified by notices displayed at the entrances to the piers and landing places.

Provision of
refreshments
on vessels.

21. The Council may provide and sell or may enter into any agreement or arrangement with any company or persons for the provision and sale on the said vessels of refreshments of all kinds subject to the provisions of all Acts relating thereto and the Council may also upon such terms and conditions and for such periods as they may think fit grant to any company or persons the right to so provide and sell refreshments.

Byelaws.

22. It shall be lawful for the Council to make and enforce byelaws for the following purposes or any of them :—

For the regulation and management of the piers and landing places and of the stages moorings mooring-chains buoys and other appliances and works from time to time belonging to or controlled or worked by the Council ;

For preventing the commission of any nuisances in or upon any of the piers and landing places and other works and in or about any vessels used for the purposes of the service by this Act authorised and for preserving and preventing injury and damage to such piers landing places vessels moorings mooring-chains buoys and other appliances and works ;

For regulating the conveyance of passengers' parcels passengers' luggage and explosives in or upon any of the piers and landing places or any such vessels as aforesaid respectively and the embarkation and disembarkation of the same respectively and prohibiting the bringing upon any such pier landing place or vessel of explosives or parcels or passengers' luggage which may in the opinion of the Council be injurious to or prejudicially affect the use of such piers landing places or vessels or cause or be likely to cause any danger to any person upon or using any such pier landing place or vessel or the traffic to be conveyed therein ;

For regulating the duties and conduct of all persons whether officers or servants of the Council or not who shall be

employed or be in or about any of the piers and landing places and any such vessels and works as aforesaid :

For the prevention of obstruction to vessels approaching lying at or departing from any of the piers and landing places and for the regulation and management of vessels resorting thereto ;

For the preservation of order among the passengers and persons using or resorting to any of the piers and landing places and any such vessels or works as aforesaid :

Provided that no such byelaw shall interfere with or affect the powers rights or jurisdiction of the Conservators or the operation of any byelaw made by them and from time to time in force.

23. Any person who shall offend against any byelaw made by the Council under this Act with respect to explosives or to parcels packages or passengers' luggage which may in the opinion of the Council cause or be likely to cause danger shall be liable on summary conviction to a penalty not exceeding twenty pounds.

Penalty for contravention of byelaws as to explosives and dangerous packages.

24. The Council may in writing authorise any one or more of the officers in charge of any of the piers and landing places or of any vessel used for the purposes of the service by this Act authorised or any other person specially appointed by them for the purpose to open and search parcels and packages brought upon any such pier landing place or vessel and any officer or person so authorised on producing his authority if required may open and search such parcels and packages accordingly if he has reason to suspect that such parcels or packages contain explosives or any goods articles matters or things which may be declared by any byelaw to be made by the Council under this Act to be dangerous.

Inspection and search for explosives and dangerous articles.

25. Any constable or any officer of the Council authorised in writing to enforce any byelaws made by the Council under this Act relating to explosives or dangerous materials and any person called to the assistance of such constable or officer may without other warrant than this Act seize and detain any person committing or having committed any offence against any such byelaw whose name or residence is unknown to and cannot conveniently be ascertained by such constable or officer and take him to a police station or before a Justice to be dealt with according to law. Provided that any officer of the Council acting under this part of this Act and not being in uniform shall have with him a written authority from the Council to act and shall produce the same if required.

Powers of arrest.

26. Every person who assaults resists or obstructs or aids or incites any person to assault resist or obstruct any officer or servant of the Council duly exercising or performing any power or duty under this Act or any byelaw made thereunder shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds.

Penalty for assaulting resisting or obstructing officers of Council etc.

27. In addition to any lands which the Council are by this Act authorised to purchase and acquire the Council may purchase and acquire by agreement and may hold and use for the purposes of and other purposes incidental to the service by this Act authorised any lands not exceeding in extent three acres and the Council may on any such lands erect construct place and maintain such buildings works and conveniences as the Council may require for such purposes.

Purchase of lands by agreement.

28. Nothing in this Act shall prejudice or affect the powers and authorities of any police officer or constable under section 205 of the Thames Conservancy Act 1894.*

Saving powers of police under Thames Conservancy Act.

* See Appendix.

Power to
employ
Metropolitan
and City
Police.

29. The Commissioner of Metropolitan Police and the Commissioner of City Police if they think fit at the request of the Council and upon such terms as to payment by the Council or otherwise as may from time to time be agreed upon between the Council and the respective Commissioners may provide officers and constables of police to keep the peace preserve order and prevent breaches of this Act and any byelaws of the Council for the time being in force and generally to exercise police authority at the piers or landing places and the avenues and approaches thereto belonging to or under the control of the Council and situate within the jurisdictions of the respective Commissioners and to remove any persons who may act in contravention of this Act and the byelaws of the Council for the time being in force.

Further
powers of
regulation.

30.—(1) It shall be lawful for the Council from time to time to close or prohibit or limit the access of the public to any of the piers and landing places or any of the vessels used for the purpose of the service by this Act authorised with a view to the prevention of danger or to the convenience of passengers and persons using the piers and landing places and vessels.

(2) Any person entering or having entered upon any of the piers and landing places or any such vessel as aforesaid which has been closed or to which access has been prohibited under this section or entering or having entered upon any such pier landing place or vessel to which access has been limited under this section in contravention of such limitation shall subject as herein-after provided be liable on summary conviction to a penalty not exceeding forty shillings.

(3) The Council may remove from any such pier landing place or vessel any person so entering or having entered as aforesaid or any person entering or having entered upon any such pier landing place or vessel in breach of any byelaw of the Council or any person conducting himself in such a manner as to cause any annoyance or inconvenience to passengers.

(4) The Council shall give or cause to be given notice of the closing or prohibition or limitation of access to any such pier landing place or vessel either by means of placards posted at the entrance of the pier or landing place or the gangway of such vessel or by word of mouth and no person shall be liable to a penalty under this section for entering or having entered upon any pier landing place or vessel in respect of which such notice shall not have been given.

Employment
of officers.

31. The Council may from time to time employ such officers servants and other persons as they may find it expedient to employ for the management and regulation of the piers and landing places and other works and vessels.

Regulations
respecting
byelaws.

32. The provisions of the Metropolis Management Act 1855 respecting the making confirmation publication and evidence of byelaws and proceedings before justices and recovery of penalties thereunder shall except as herein-after provided extend and apply to byelaws under this Act and except as aforesaid byelaws under this Act shall be deemed byelaws within the Metropolis Management Acts 1855 to 1893 and the Acts amending the same Provided always that no byelaw made by the Council under the authority of this Act shall come into operation until the same be confirmed by the Board of Trade but the approval by one of His Majesty's principal Secretaries of State prescribed by the Metropolis Manage-

ment Act 1855 shall not be necessary. [See 18 & 19 *Vict. c.* 120, ss. 202 and 203.]

33. The Council shall from time to time cause to be displayed in distinct and legible characters and affixed and continued conspicuously at every place where they are authorised to demand and receive tolls under this Act tables of the tolls authorised to be taken thereat and no toll shall be demanded of any person at any such place during such time as such table is not so affixed. Provided always that if any such table shall be destroyed injured or obliterated such toll shall continue payable during such time as may be reasonably required for the restoration or reparation of such table in the same manner as if the same had continued affixed and in the state required by this Act.

Table of tolls to be affixed at places where collected.

34. The Council in conformity with any byelaws regulating the receipt of tolls may from time to time enter into and execute agreements with persons liable to pay tolls with respect to the mode and times for the collection and payment thereof or the payment of annual or other periodical sums by way of composition therefor :

Power to make arrangements as to tolls.

Provided always that the Council shall not by or under any such agreement or arrangement make or give any undue or unreasonable preference or advantage to or in favour of any particular person or any particular description of traffic or subject any particular person or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever :

If any person liable to pay any tolls thinks himself aggrieved by any such agreement or arrangement or by anything done in pursuance thereof he may apply to the Board of Trade and the Council shall follow the directions of the Board of Trade in the matter.

35. Subject to the provisions of this Act all tolls and charges payable under this Act shall at all times be charged equally and after the same respective rate in respect of all vessels of the same class or description and under the same circumstances and no remission reduction or advance of such tolls or charges shall either directly or indirectly be made partially or in favour of any such vessel.

Tolls and charges to be charged equally.

36. The Council shall if required by the Postmaster-General perform with respect to any vessels provided or run by them under this Act all such services in regard to the conveyance of mails as the Postmaster-General may require a tramway company to perform under section 2 of the Conveyance of Mails Act 1893 and the provisions of that section and of sections 4 and 5 of the said Act shall so far as applicable extend and apply to the Council and to such vessels accordingly and for the purpose of such conveyance of mails any officer of the Post Office subject to any byelaws made by the Council under this Act shall be entitled to use any of the piers and landing places referred to in this Act.

As to conveyance of mails.

37. The Council may make and carry into effect arrangements for and with respect to the through booking and through conveyance and delivery of passengers parcels and traffic by any tramways owned or worked by the Council and any vessels used for the purposes of the service by this Act authorised and with respect to the interchange transmission and delivery of any such passengers parcels and traffic coming to or from any such tramways from or to any such vessels and passing over or carried by such tramways and

Through bookings etc. with tramways of Council.

vessels and may issue through tickets in connection therewith and may fix through fares tolls and charges to be demanded and recovered in respect of such passengers parcels and traffic and may apportion as between the tramway undertaking of the Council and the service by this Act authorised the receipts arising from such through booking and through conveyance interchange transmission and delivery of traffic carried over any such tramways and by any such vessels as aforesaid.

Council's
piers to be
used by
public.

38. Every pier maintained by the Council under this Act shall (subject to the provisions of this Act and to the payment of the tolls and charges payable under this Act and so far as reasonably compatible with the conduct of the service of vessels by this Act authorised) be opened to all persons for the embarking and landing of passengers.

For protec-
tion of South
Eastern and
Chatham
Railway
Companies
Managing
Committee.

39. For the protection of the South Eastern and Chatham Railway Companies' Managing Committee (in this section referred to as "the Managing Committee") the following provisions shall unless otherwise agreed in writing between the Council and the Managing Committee have effect (that is to say):—

- (1) [*The Council to purchase Hungerford Pier (in this section referred to as "the said pier") situate on the eastern side of the bridge of the Managing Committee at Charing Cross. Spent.*]
- (2) The Managing Committee shall not less than three months before commencing to execute any work of widening or other structural alteration of the said bridge on the eastern side thereof give to the Council notice in writing of their intention to execute such work and shall at the same time deliver to the Council plans and sections of the intended widening or alteration with particulars of the manner in which the same is intended to be executed :
- (3) If any such work as aforesaid should be of such a character as to interfere with or obstruct the free and uninterrupted use of or to render less commodious the said pier for the accommodation of passengers vessels or other river traffic it shall be lawful for the Council at any time after the receipt of such notice as aforesaid and before the expiration of three months from the completion of any such widening or alteration by notice in writing to require the Managing Committee to repurchase the said pier and within six months after receipt of any such notice as last aforesaid the Managing Committee shall repurchase and the Council shall resell to them the said pier :

Provided that in the event of any difference arising between the Council and the Managing Committee as to whether such works are of such a character as to interfere with or obstruct the free and uninterrupted use of the said pier or to render the same less commodious as aforesaid such difference shall be determined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the Board of Trade :

- (4) Upon any such resale and repurchase the price to be paid to the Council by the Managing Committee shall be the sum paid to the Managing Committee by the Council on such purchase :

- (5) In the event of any such resale and repurchase as aforesaid all fittings fixtures and additions erected placed or made by the Council on or to the said pier shall remain and be the property of the Council and the Council shall be at liberty to remove the same doing as little damage to the said pier as may be and without making any payment or compensation to the Managing Committee.

40. Nothing in this Act contained shall enable the Council except with the consent of the Great Eastern Railway Company to interfere either temporarily or permanently with any piers landing places works or conveniences belonging to or used by the said Company at North Woolwich or to exercise any powers with regard thereto and every such pier landing place work or convenience shall be exempted from any byelaws and regulations which the Council are by this Act authorised to make.

For protec-
tion of Great
Eastern
Railway
Company.

41.—(1) Notwithstanding anything contained in this Act or shown on the deposited plans the Council shall not under the powers of this Act enter upon take or use any lands or property belonging to or vested in the Admiralty without their consent in writing.

For protec-
tion of
Admiralty

(2) The Council shall not without the consent of the Admiralty at any time execute any works for deepening dredging or improving the bed channel or foreshore of the River Thames within thirty yards of any part of the property of the Admiralty other than Greenwich Pier or erect construct or place or use any pier landing place mooring-chain or other similar work other than Greenwich Pier in front of Greenwich Hospital or any part of the property of the Admiralty.

(3) Nothing in this Act contained shall be deemed or construed to prejudice or affect or derogate from any rights privileges powers or authorities vested in or exerciseable or enjoyable by the Admiralty in respect of Greenwich Pier under or by virtue of the Act 6 & 7 William IV. cap. cxxviii. or the Act 7 William IV. cap. lvi. or any other Act relating to Greenwich Pier:

And all powers and authorities conferred on the Greenwich Company by the said Acts in respect of or incident to the land agreed to be leased to the Greenwich Company as mentioned in the said Acts and the reversion in fee simple of which land subject to the term of eighty years mentioned in the said Acts is or is reputed to be now vested in the Admiralty or in respect of or incident to the land in front of the former site of the old Ship Tavern now pulled down and the fee simple of which last mentioned land will at the expiration of the said term of eighty years become vested in the Admiralty under the said Act 7 William IV. cap. lvi. shall (in confirmation and extension of the provisions of the said Acts in reference to the said powers and authorities and subject and without prejudice during the said term of eighty years to the subsisting rights vested in the Greenwich Company or acquired by the Council under this Act) be and continue vested in the Admiralty in perpetuity and remain continuously in force and exerciseable by them and shall not either by reason of any cesser of occupation of the said lands or any part thereof by the Company or the Council or for any other reason whether consequential on any provision contained in the said Acts or this Act or otherwise become lapsed or in abeyance but during any lapse or abeyance which but for this

present enactment might have occurred and subject and without prejudice as aforesaid all such powers and authorities may be continuously exercised and enforced by the Admiralty in like manner as if the same so far as not already vested in the Admiralty under the said Acts had been originally vested in and conferred on the Admiralty under the said Acts :

Provided that section 92 (Powers of the Act to be exercised by the Company while in possession of the pier and afterwards by the Commissioners of Greenwich Hospital) of the said Act 6 & 7 William IV. cap. cxxviii. shall from and after the acquisition by the Council of the undertaking of the Greenwich Company be read and construed as if the Council their lessees and assigns had been named or referred to therein instead of the Greenwich Company.

(4) If the Council acquire the undertaking of the Greenwich Company and if the existing tenancy granted by the Greenwich Company of that portion of the pier which is now used as the terrace garden in front of the Ship Hotel shall expire or be determined the Council shall let the said portion of the pier at the option of the Admiralty either to the owner or to the occupier of the said hotel on the same conditions and at the rent on which the said portion of the pier is now let and shall not let the same to any other person than such owner or occupier without the consent of the Admiralty which consent shall not be unreasonably withheld.

(5) If the Council acquire the undertaking of the Greenwich Company and if the Admiralty desire to use the premises comprising the Ship Hotel or the site thereof for any purpose for which they shall require to have a frontage to the River Thames the Council shall (if so required by the Admiralty and subject to the Admiralty giving all necessary facilities and to all necessary consents being obtained) move in an easterly direction the pontoon in front of Greenwich Pier so that no portion of such pontoon shall be in front of the portion of the said pier which is now used as the terrace garden of the Ship Hotel :

Provided that the Admiralty shall not place or permit or suffer to be placed in front of the said portion of the said pier any structure whatsoever which shall project further into the River Thames than the said pontoon in its altered position and shall not use or permit or suffer to be used the said portion of the said pier or any structure placed in front thereof or adjacent thereto in any way which would obstruct or interfere with the access of steamers or other vessels or of the public to the other portions of the said pier or the pontoon in its altered position.

(6) Nothing in this Act shall extend to vary defeat alienate lessen abrogate or prejudice any rights jurisdiction or authority by law vested in the Admiralty to use Greenwich Pier for naval or military purposes.

42. Nothing in this Act shall authorise the Council—

- (1) To construct or provide any pier landing or shipping place or any moorings mooring-chains mooring-posts buoys or other works or appliances on or in front of, or
- (2) To deepen or dredge the bed or channel or in any way interfere with the foreshore of the River Thames in front of, or
- (3) To take use or in any way interfere with

any land property or rights vested in or under the management of or exercisable by or on behalf of the Commissioners of Works

without the consent in writing of such Commissioners first had and obtained for that purpose which consent the said Commissioners are hereby authorised to give subject to such terms and conditions as they may think fit.

43. [*Saving the rights of the Duchy of Lancaster.*]

44. [*Saving the rights of the Duchy of Cornwall.*]

45. [*Saving the rights of the Thames Conservators.*]

46. [*Saving the rights of the Watermen's and Lightermen's Company.*]

47. [*Saving the rights of the Crown.*]

48. The Council shall in every year on or before the first day of February transmit to the Commissioners of Woods a return verified by their clerk under his hand containing full particulars of all rents revenues and proceeds accruing or arising from any piers landing places or other works or from any estate or interest in such piers landing places or works which shall have been transferred or granted by the Conservators to the Council or shall have been constructed by the Council upon any part of the bed or soil or shores of the River Thames now belonging to the Conservators under the authority of this Act and which are not the subject of an agreement under the next succeeding section of this Act such account to specify the sources from which such rents revenues and proceeds were respectively derived and shall in every year on or before the first day of March pay over one equal third part of all the rents revenues and profits received as aforesaid during the year ended on the then last thirty-first day of December unto the Commissioners of Woods on behalf of the King's most Excellent Majesty to be applied as part of the hereditary possessions and land revenues of the Crown.

Annual return of certain moneys received by Council to be sent to and certain annual payments to be made to Commissioners of Woods.

49. The Commissioners of Woods with the consent of the Treasury and the Council may make agreements respecting the annual payments to be made hereafter by the Council to the Commissioners of Woods in respect of all or any piers landing places or works acquired by the Council from the Conservators or constructed by the Council upon any part of the bed or soil or shores of the River Thames now belonging to the Conservators under the authority of this Act and all sums paid to the Commissioners of Woods in pursuance of any such agreement shall be applied (in like manner as sums received by the Commissioners of Woods from the Council under the last preceding section of this Act) as part of the hereditary possessions and land revenues of the Crown.

Power to Commissioners of Woods and Council to agree as to rents for piers etc.

50. [*Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council (Money) Acts 1905—1906.*]

51. The Council shall keep separate accounts of all receipts and all expenses arising under this Act comprising accounts for revenue and capital purposes respectively.

Separate accounts.

To the revenue account shall be carried all tolls charges and other receipts of the nature of income and out of it shall be defrayed all expenses of maintenance and management for the purposes of this Act and the requisite payments to the Consolidated Loans Fund in respect of interest on and repayment of money borrowed for the purposes of this Act.

Any deficiency of revenue shall from time to time be made good out of the county rate as a payment for general county purposes within the meaning of the Local Government Act 1888 and any

surplus of revenue over expenses shall at such times as the Council direct be carried to a reserve fund or to the general county account of the county fund.

Moneys from time to time received by the Council in respect of any sales or disposition of property and any other receipts of a capital nature shall be paid into the capital account and applied in or towards capital expenditure or to provide for the repayment of money borrowed.

As to pay-
ments under
this Act.

52. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . .
[Part omitted (as to the expenses of obtaining this Act) spent.]

The SCHEDULE referred to in the foregoing Act.

MAXIMUM TOLLS AND CHARGES.

Tolls for Vessels calling at Piers and Landing Places.

	s.	d.
For each time of any vessel calling at any pier or landing place	0	6
<i>Charges for Passengers and Parcels.</i>		
For each passenger—		
For any distance not exceeding one mile	0	1
For every additional mile or part of a mile	0	1
For parcels—		
For a parcel not exceeding 112 lbs. in weight	0	6

CHAPTER CCXXXI.

AN ACT TO ENABLE THE LONDON COUNTY COUNCIL TO CONSTRUCT AND WORK NEW TRAMWAYS AND TO ALTER AND RECONSTRUCT EXISTING TRAMWAYS IN THE COUNTY OF LONDON TO MAKE STREET IMPROVEMENTS IN THE COUNTIES OF LONDON AND KENT TO EMPOWER THE COUNCIL OF THE METROPOLITAN BOROUGH OF WOOLWICH TO CONSTRUCT A NEW STREET AND FOR OTHER PURPOSES. [15th August 1904.]

[Preamble.]

PART I.

PRELIMINARY.

- Short title.
- Act divided
into parts.
- Incorporation of Acts.
1. This Act may be cited as the London County Council (Tramways and Improvements) Act 1904.
 2. This Act is divided into parts as follows (namely) :—

Part I.—Preliminary.

Part II.—Tramways.

Part III.—Street Works.

Part IV.—Powers to Council of Metropolitan Borough of Woolwich.

Part V.—Financial and Miscellaneous.
 3. The following Acts and parts of Acts (that is to say) :—

The Lands Clauses Acts ; and

Section 3 (Interpretation of Terms) and Parts II. and III. of the Tramways Act 1870 ; *

* See Appendix.

as far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act :

Provided that sections 127 and 133 of the Lands Clauses Consolidation Act 1845 shall not apply in the case of any lands purchased by the Council under the powers of this Act :

Provided also that notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 any claim for compensation under this Act or any Act incorporated herewith by any person having or in respect of any interest in the lands in respect of which compensation is claimed not greater than that of a lessee or tenant for any term of which not more than eighteen months remain unexpired at the time when the claim is made shall be determined by Justices in the manner provided by section 121 of that Act.

4. In this Act unless the subject or context otherwise require— Interpretation.
Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings :

“The Council” means the London County Council ;

“The Woolwich Council” means the Council of the Metropolitan Borough of Woolwich ;

“The new tramways” means the tramways by this Act authorised and any part thereof ;

“The reconstructed tramways” means the tramways which may be altered reconstructed or widened under this Act ;

“The tramways” means the new tramways and the reconstructed tramways ;

“The improvements” means the street improvements by this Act authorised to be executed by the Council ;

“Street” has the meaning assigned to that term in the Metropolitan Management Acts 1855 to 1893 ;

“The Bexley Council” means the Council of the Urban District of Bexley in the county of Kent ;

“The Bexley tramway” means the Tramway No. 1 authorised by the Bexley Tramways Act 1901 and all posts tubes wires and other apparatus used in connection therewith ;*

“The Act of 1903” means the London County Council (Tramways and Improvements) Act 1903 :

Provided that for the purposes of Parts II. III. and V. of this Act the expressions “the promoters of the undertaking” and “the company” in the Lands Clauses Acts shall be construed to mean the Council and that for the purposes of Part IV. of this Act the same expressions shall be construed to mean the Woolwich Council.

PART II.

TRAMWAYS.

5. Subject to the provisions of this Act the Council may make form lay down and maintain the new tramways hereinafter described Power to make new tramways.

* This tramway is described in the Bexley Tramways Act 1901 as follows :—
“Tramway No. 1 6 furlongs and 9.56 chains in length of which 2 furlongs 9.10 chains are double line and 4 furlongs 0.16 chains are single line in the borough of Woolwich commencing in High Street Plumstead at the termination of the Woolwich and South East London Tramways at a point 8.69 chains from Wickham Lane and proceeding thence in an easterly direction along High Street thence into and along Wickham Lane and terminating in Wickham Lane at the most northerly point in that lane of the boundary of the county of Kent.”

in the lines and according to the levels shown on the deposited plans and sections with all such rails plates sleepers junctions turntables turnovers crossings passing places works and conveniences connected therewith as may be necessary or proper therefor.

The new tramways hereinbefore referred to and authorised by this Act are those shown on the deposited plans under the numbers hereinafter stated in connection therewith respectively and will be situate in the county of London :—

Tramway No. 4 (double line 1 mile 0 furlong 3·18 chains or thereabouts in length) commencing in Grove Vale by a junction with the Tramway No. 15 authorised by the London County Council (Tramways and Improvements) Act 1902 near the junction of Bourton Street with Grove Vale and terminating in Peckham Rye at a point 1 chain or thereabouts east of the junction therewith of Elland Road :

Tramway No. 4A (double line 1·62 chains or thereabouts in length) commencing in Lordship Lane by a junction with Tramway No. 15 authorised by the London County Council (Tramways and Improvements) Act 1902 at a point in that lane opposite the southern side of East Dulwich Road and terminating in East Dulwich Road by a junction with the said Tramway No. 4 at the western end of that road :

Tramway No. 4B (double line 1 chain or thereabouts in length) commencing in Crystal Palace Road by a junction with the existing tramway in that road near its junction with East Dulwich Road and terminating in East Dulwich Road by a junction with the said Tramway No. 4 near the junction of the said road with Crystal Palace Road :

Tramway No. 4C (double line 1·07 chains or thereabouts in length) commencing in East Dulwich Road by a junction with the said Tramway No. 4 at the eastern end of that road and terminating in Peckham Rye by a junction with the existing tramway therein at a point opposite the northern side of Cross Road ;

The said Tramways Nos. 4 4A 4B and 4C will be situate wholly in the parish of Camberwell :

Tramway No. 5 (double line 1 mile 0 furlong 4 chains or thereabouts in length) wholly in the parish of Greenwich commencing in Trafalgar Road by a junction with the existing tramway in that road opposite the western side of Miles Street and terminating in Tunnel Avenue at a point 1 chain or thereabouts southward of the entrance to the open approach of the Blackwall Tunnel :

Tramway No. 9 (double line 2 furlongs 5 chains or thereabouts in length) wholly in the parish of Eltham commencing in Well Hall Road near the centre of the bridge carrying the Bexley Heath Railway of the South Eastern Railway Company over the said road near Well Hall Station passing thence along the new road (hereinafter described) to be constructed by the Woolwich Council under the powers of this Act and terminating in the said new road near the junction thereof with High Street Eltham :

Tramway No. 10 (double line 1 mile 2 furlongs 3·30 chains or thereabouts in length) commencing in the parish of Camberwell in Lordship Lane by a junction with Tramway No. 15 authorised by the London County Council (Tramways and

Improvements) Act 1902 near the junction of Crystal Palace Road with Lordship Lane and terminating in the parish of Lewisham in London Road near the junction therewith of Dartmouth Road :

Tramway No. 11 (double line 2 miles 5 furlongs 9 chains or thereabouts in length) commencing in the parish of Lewisham in Park Road near the junction of that road with Stanstead Road and terminating in the parish of St. Paul Deptford in Lewisham High Road by a junction with the Tramway No. 12 hereinafter described near the junction of Lewisham High Road with Malpas Road : [*See 6 Edw. 7, c. clxxxi. s. 45.*]

Tramway No. 11A (double line 1·3 chains or thereabouts in length) wholly in the parish of St. Paul Deptford commencing in Malpas Road by a junction with the proposed Tramway No. 11 near the junction of the said road with Lewisham High Road and terminating in Lewisham High Road by a junction with the said Tramway No. 12 hereinafter described near the junction of the said Lewisham High Road with Malpas Road : [*See 6 Edw. 7, c. clxxxi. s. 45.*]

Tramway No. 12 (double line 1 mile 3 furlongs 5·20 chains or thereabouts in length) commencing in the parish of St. Paul Deptford in New Cross Road by a junction with the existing tramway in that road at a point opposite the eastern side of Clifton Hill and terminating in High Street Lewisham in the parish of Lewisham by a junction with the existing tramway in High Street opposite the northern side of Rennell Street :

Tramway No. 13 (double line 1 mile 0 furlong 8·7 chains or thereabouts in length) commencing in the parish of Lewisham in High Street Lewisham by a junction with the existing tramway in that street at a point 4½ chains or thereabouts southward of the junction of the said street with Rennell Street and terminating in the parish of Lee in High Road Lee near the junction thereof with Eltham Road :

Tramway No. 15 (double line 1 mile 0 furlong 5·9 chains or thereabouts single line 2 furlongs 8·5 chains or thereabouts in length) commencing in the parish of Woolwich in Beresford Square near Beresford Street and terminating in High Street in the parish of Plumstead by a junction with the existing tramway therein of the Bexley Council at its termination in that street :

Tramway No. 15A (single line 1·8 chains or thereabouts in length) wholly in the parish of Woolwich commencing in Beresford Square by a junction with Tramway No. 12D authorised by the London County Council (Tramways and Improvements) Act 1902 near Beresford Street aforesaid and terminating in Beresford Square by a junction with the said Tramway No. 15 near New Road :

Tramway No. 15B (single line 1·1 chains or thereabouts in length) wholly in the parish of Woolwich commencing by a junction with the said authorised Tramway No. 12D in New Road near the junction of that road with Plumstead Road and terminating in Plumstead Road by a junction with the said Tramway No. 15 near New Road :

Tramway No. 16 (double line 7 furlongs 1·4 chains or thereabouts single line 1 furlong 1·8 chains or thereabouts in length) wholly in the parish of Plumstead commencing in High Street by a junction with the said existing tramway therein at a point 2 chains or thereabouts westward of the junction of Wickham Lane with the said street and terminating in Knee Hill as the same is to be widened under the powers of this Act by a junction with Tramway No. 3 authorised by the Erith Tramways and Improvements Act 1903 at its point of commencement therein described.*

Abandon-
ment of part
of authorised
tramway.

6. The Council shall abandon the construction of so much of the Tramway No. 14 described in and authorised by the London County Council (Tramways and Improvements) Act 1902 as is situate between the point of commencement hereinbefore described of the Tramway No. 9 by this Act authorised and the point of termination described in the said Act of 1902 of the said Tramway No. 14.

Alteration
reconstruction
and
widening
of tramways.

7. The Council may alter reconstruct or widen (in which expression is included the substitution of a double line of tramway for an existing single line) in the lines and according to the levels shown on the deposited plans and sections the tramways hereinafter described (that is to say):—

- (1) So far as may be necessary for the purpose of constructing the new Tramway No. 4 hereinbefore described—

So much of the tramway of the London Camberwell and Dulwich Tramways Company † in East Dulwich Road as lies between Crystal Palace Road and Peckham Rye in the parish of Camberwell:

- (2) So far as may be necessary for the purpose of constructing the new Tramway No. 5 hereinbefore described—

So much of the tramway of the Woolwich and South-East London Tramways Company Limited ‡ in Trafalgar Road as lies to the west of the junction with that road of Blackwall Lane in the parish of Greenwich:

- (3) So far as may be necessary for the purpose of constructing the new Tramway No. 10 hereinbefore described—

So much of the tramway of the London Camberwell and Dulwich Tramways Company † in Lordship Lane as lies between Crystal Palace Road and the termination of the said tramway on the south side of Barry Road in the parish of Camberwell:

- (4) So far as may be necessary for the purpose of constructing the new Tramway No. 15 hereinbefore described—

So much of the tramway of the Woolwich and South-East London Tramways Company Limited ‡ in Plumstead Road and High Street Plumstead as lies between Beresford Square in the parish of Woolwich and Saint Nicholas Road in the parish of Plumstead:

* Tramway No. 3 authorised by the Erith Tramways and Improvements Act 1903 is stated in that Act to commence "in Knee Hill at the boundary of the metropolitan borough of Woolwich at a point 0·5 chains south of the intersection of Abbey Road and Station Road."

† See s. 9.

‡ See s. 8.

(5) So much of the tramway of the Council in Rushey Green High Street and Lewisham Road in the parishes of Greenwich and Lewisham or one of them as is situate southward of the junction with Lewisham Road of Lethbridge Road.

8. [*For the protection of the Woolwich and South-East London Tramways Company Limited. Spent. The undertaking of this Company was transferred to the Council on the 31st May 1905.*]

9. [*The Council to purchase the undertaking of the London, Camberwell & Dulwich Tramways Company for £6,500 within 4 months from the passing of this Act. Spent. The undertaking of this Company was transferred to the Council on the 15th August 1904. See also the Council's minutes of 20th February 1906, pp. 382-3.*]

10. The Council shall not construct the portion of Tramway No. 4 by this Act authorised in Peckham Rye otherwise than in such a position in the road that a space of not less than nine feet six inches shall intervene between the outside of the footpath on the north-eastern side of the said road and the nearest rail of the tramway and a space of not less than four feet between the outside of the footpath on the south-western side of the said road and the nearest rail of the tramway and until they shall have made such widenings of the said road as shall be necessary to enable them to construct the said portion of tramway in such position as aforesaid.

As to construction of part of Tramway No. 4.

11. The Council shall not construct the portion of Tramway No. 11 by this Act authorised under the bridge carrying the London Chatham and Dover Railway over Brockley Road in such a manner that a less space than nine feet six inches shall intervene between the outside of the footpath on either side of the said road and the nearest rail of the tramway.

As to construction of Tramway No. 11 under London Chatham and Dover Railway bridge.

12.—(1) In constructing Tramway No. 15 by this Act authorised the Council shall not lay the same in that portion of Plumstead Road upon which the Royal Arsenal abuts so that a less space than four feet shall intervene between the outside of the footpath on the northern side of the said road and the nearest rail of the tramway or a less space than nine feet six inches between the outside of the footpath on the southern side of the said road and the nearest rail of the tramway.

As to construction of part of Tramway No. 15.

(2) The Council shall not erect any railing between the carriage-way of the said road and the footpath on the northern side thereof.

13. [*No part of the tramways to be laid so that for a distance of 30 feet or upwards less than 9 feet 6 inches will intervene between the outside of the footpath and the nearest rail except for certain distances as regards Tramway No. 4, in Peckham Rye; Tramway No. 5, in Trafalgar Road; Tramway No. 10, in London Road; Tramway No. 11, in Brockley Rise and in Brockley Road; Tramway No. 12, in Lewisham High Road, Loampit Hill, and Loampit Vale; Tramway No. 13, in High Road, Lee; Tramway No. 15, in Plumstead Road, High Street, and Bostall Hill.*]

14.—(1) Where it is necessary for the Council in constructing altering reconstructing or widening any tramway under the powers of this Act in any street or road to alter any bridge or structure carrying such street or road over any railway or over any canal or dock entrance (hereinafter included in the expression "bridge") the Council shall execute the work in such a manner as to alter or interfere as little as possible with the structure of the bridge or

Alteration of bridges etc.

with the approaches thereto so far as they belong to the owners of the bridge and they shall so maintain and use the said tramway as to interfere as little as possible with the structure of any such bridge or approaches.

(2) Any interference with or alteration of the structure of any such bridge shall only be executed by the Council according to plans and sections to be previously submitted to and reasonably approved by the engineer of the owners of the bridge and all works affecting any such bridge shall be carried out under the superintendence and to the reasonable satisfaction of the said engineer:

Provided that unless the engineer of the owners by notice in writing to the Council within twenty-one days after the submission of such plans and sections give notice in writing to the Council objecting thereto or making any requirement with respect thereto the said plans and sections shall be deemed to have been approved on behalf of the owners and the work may be proceeded with accordingly.

(3) In the event of any injury being caused to any such bridge or approaches by any works for constructing reconstructing widening altering or repairing such tramway or any wire cable or apparatus the owners may at the expense of the Council restore such bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Council shall indemnify the owners against all the expenses to which they may be put in repairing so much of the bridge or the road over such bridge and approaches as the owners are liable to maintain and repair and the owners may recover from the Council the amount of such expenses.

(4) In case it shall become necessary in consequence of the construction reconstruction widening or alteration of such tramway or the use thereof when worked by electrical power to strengthen the structure of any such bridge the owners may after giving to the Council seven clear days' notice thereof execute such works as may be necessary to strengthen such bridge and the costs and expenses of and incidental to such strengthening shall be repaid by the Council to the owners.

(5) In the case of such tramway being constructed reconstructed widened or altered on a bridge over a railway if it become advisable having regard to the relative positions of the works of the Council and the works of the owners of the railway that the electric telegraphic telephonic or signal wires and apparatus connected with the railway should be placed in cable or otherwise altered the owners of the railway may execute any works reasonably necessary for such cabling or alteration and the expense of executing such works shall be borne by the Council.

(6) If any difference shall arise under this section between the Council and the owners as to anything to be done under the provisions of this section or the reasonableness of any requirements or of any charges under this section the matter in difference shall unless otherwise agreed be determined by a referee in accordance with the provisions of section 33 of the Tramways Act 1870.*

(7) For the purpose of this section the expression "owners" shall include the person or company liable to maintain the bridge over which such tramway is constructed reconstructed widened or altered.

* See Appendix.

15. For the protection of the South Eastern Railway Company the London Chatham and Dover Railway Company and the South Eastern and Chatham Railway Companies' Managing Committee (hereinafter respectively referred to as "the Railway Company") the following provisions shall unless otherwise agreed between the Council and the Railway Company apply and have effect (that is to say):—

For protection of South Eastern Railway Company London Chatham and Dover Railway Company and South Eastern and Chatham Railway Companies' Managing Committee.

- (1) In this section the word "apparatus" includes posts brackets electric wires conductors apparatus and any similar appliances to be used as or for the purposes of a motive power for the carriages running on the tramways and includes also any subways tunnels tubes openings excavations channels and pipes for the purposes of such apparatus:
- (2) Notwithstanding anything in this Act or any Act incorporated therewith the Council shall not without the previous consent in writing of the Railway Company deviate in the construction of the tramways where the same will pass over or under any such bridge or work or where the same will pass in front of the entrances to any passenger or goods stations of the Railway Company from the lines and levels shown on the deposited plans and sections except in the case of Tramway No. 11 at the point where it passes under the bridge carrying the London Chatham and Dover Railway over Brockley Road which said tramway at such point shall be constructed as in this Act before provided:
- (3) The Council shall on demand pay to the Railway Company the reasonable expense of lighting and watching and protection of the works of the Railway Company during the execution or repair by the Council under this Act of any work or apparatus affecting any bridge railway or other work belonging to the Railway Company:
- (4) The Council shall not in any manner in the execution maintenance user or repair of any of their works or apparatus obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to the Railway Company or any traffic thereon:
- (5) The Council shall be responsible for and make good to the Railway Company all losses damages and expenses which may be occasioned to the Railway Company by or by reason of the execution or failure of any works under this Act or by reason of any act default or omission of the Council or of any person in their employment or of any contractors for any such works or any part thereof and the Council shall effectually indemnify and hold harmless the Railway Company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission:
- (6) If the Railway Company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge under or upon which the tramways are laid or the approaches thereto or to widen or alter any railway thereunder and shall find it necessary for such purpose that the working or user of any part of the tramways under or upon such bridge or approaches be wholly or in part stopped or

delayed or that the tramway shall be temporarily diverted or wholly or in part taken up or removed and if the Railway Company accordingly give to the Council fourteen days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or removal then the working or user of such part of the tramways shall be stopped or delayed or such part of the tramways shall be taken up or removed at the reasonable expense of the Council and under the superintendence of the engineer of the Company (if they shall give such superintendence) but only for so long as shall be necessary for effecting such purpose as aforesaid and such part of the tramways shall be restored with all possible dispatch and in such case the Railway Company shall not be liable to pay compensation in respect of such stoppage delay or taking up or removal as aforesaid. Provided that if the tramway be constructed as a double line under or over the bridge the Company shall not be at liberty to require more than one line of rails under or on the bridge to be stopped at a time unless it shall be absolutely necessary :

- (7) Before the Council affix any apparatus to any bridge or other property of the Railway Company they shall obtain the consent of the Company thereto who shall not unreasonably withhold such consent and drawings showing the design and material thereof and the manner in which it is proposed to so affix them shall be submitted to and reasonably approved by the principal engineer of the Railway Company :
- (8) If and when the Railway Company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Council has been placed the Council shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be reasonably required by the engineer of the Railway Company unless the Council shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer :
- (9) Where any tramway by this Act authorised will pass in front of the access to the Brockley Lane Crofton Park Lewisham Road and Well Hall stations of the Railway Company or any of such stations no crossing or passing place siding junction turnout or other work shall be made for or in connection therewith for the distance thereon extending in front of the said access to such stations and for a length of ten yards at each end of such distance without the consent of the Railway Company and without such consent no carriage used on the tramways shall be stopped or permitted to be stopped within such distance and lengths except only for so long as shall be reasonably necessary for the purposes of taking up and setting down passengers. If it shall be found necessary in connection with the laying of the tramway in front of the access to the Well Hall station of the Railway Company to alter the level of

the approach road or otherwise interfere with the same all works affecting the approach road shall be carried out under the superintendence of and to the satisfaction of the engineer of the Railway Company :

- (10) The foregoing provisions of this section shall be in addition to and not in substitution for or derogation of the provisions for the protection of the Railway Company as owners of bridges contained in the section of this Act of which the marginal note is "Alteration of bridges etc." and the provisions of the said last-mentioned section shall extend and apply to all bridges of the Railway Company over or under any street or road in which the Council shall under the powers of this Act construct alter reconstruct or widen any tramway :
- (11) If any difference arises under this section between the Council and the Railway Company the same shall unless otherwise agreed be determined by a referee in accordance with the provisions of section 33 of the Tramways Act 1870.*

16.—(1) The carriages used on the tramways may be moved by Motive animal power or subject to the provisions of this Act by electrical power.

(2) The provisions of the London County Tramways (Electrical Power) Act 1900 with respect to the use of and working by electrical power of the tramways defined by that Act shall extend and apply to the tramways.

17. Except in the case of new Tramways Nos. 5 15 15A 15B and 16 by this Act authorised nothing in this Act shall authorise the Council to place in any metropolitan borough any posts or wires on or over any street for working the tramways by electrical power unless the council of such metropolitan borough shall by a resolution have consented to the adoption therein of a system of traction conducted by means of posts and wires placed overhead. Overhead system not to be applied without consent of road authority except in certain cases.

Such consent may be subject to any limitations or conditions which may be expressed in the resolution and may apply to any particular streets or roads or fix any limited period defined by such resolution.

A copy of such resolution under the seal of the council of such metropolitan borough shall be delivered to the Council and shall be evidence of the due passing of such resolution.

18. The Council shall submit to the Woolwich Council plans showing the position of all posts carrying the overhead wires which it is proposed to place in the metropolitan borough of Woolwich for the purpose of working Tramways Nos. 9 15 15A 15B and 16 by this Act authorised and Tramways Nos. 14 and 14A authorised by the London County Council (Tramways and Improvements) Act 1902 and shall not place such posts otherwise than in such positions and subject to such obligations as to the placing thereon of electric lamps of the Woolwich Council for street lighting purposes as that Council may within one month after such submission by resolution reasonably prescribe. As to position of posts and wires in Woolwich.

19. The tramways shall be of the gauge of four feet eight and a half inches but carriages or trucks adapted for use upon railways gauges of tramways. shall not be run upon the tramways.

* See Appendix.

Certain powers of breaking up tramways extended to widened and reconstructed tramway.

20. Where the council of a metropolitan borough or any company have powers under a special Act of Parliament or a Provisional Order confirmed by Act of Parliament for the purpose of laying electric lines to break up a tramway which is to be widened or reconstructed under the powers of this Act the said powers of such council or company shall extend and apply to the widened or reconstructed tramway in the same manner as to the existing tramway.

Application of s. 32 of Tramways Act 1870.

21. The council of any metropolitan borough and also any company having power to lay electric lines in any street in which any of the tramways will be situate shall notwithstanding anything contained in any Act or Order relating to such council or company be deemed for the purposes of this Act to be a road authority or company respectively to whom section 32 of the Tramways Act 1870 * applies.

Purchase and adaptation of portion of Bexley Tramway.

22.—(1) It shall be lawful for the Council at any time after they shall have constructed Tramway No. 15 by this Act authorised (in this section referred to as “the London tramway”) and shall have equipped it for electrical traction on the overhead trolley system or such other system as shall have been agreed between the Council and the Bexley Council so as to permit the through running on the London tramway of the cars of the Bexley Council by notice in writing to require the Bexley Council to sell and thereupon the Bexley Council shall sell to the Council and the Council shall purchase the portion of the Bexley tramway situate in High Street Plumstead in the metropolitan borough of Woolwich (in this section referred to as “the said portion of tramway”).

(2) The price to be paid by the Council to the Bexley Council upon such purchase shall be the amount expended by the Bexley Council in the construction of the said portion of tramway after deducting a reasonable amount for the depreciation thereof.

(3) The Bexley Council shall apply all sums of money received by them upon any sale under the provisions of this section of the said portion of tramway in or towards the repayment of any moneys borrowed by them for tramway purposes under the powers of the Bexley Tramways Act 1901 and such application shall except to such extent and upon such terms as the Local Government Board may approve be in addition to and not in substitution for any other mode of repayment of moneys so borrowed.

(4) The Council shall if they shall obtain the consent of the Admiralty in respect of the Greenwich Observatory and of the Council of the Metropolitan Borough of Woolwich and of all other necessary parties equip the London tramway for electrical traction on the overhead trolley system and the Council shall use their best endeavours to complete the construction and equipment thereof within one year after they shall have commenced the same.

(5) If and when the Council shall have purchased the said portion of tramway it shall be lawful for them to make all such alterations therein as may be necessary for providing communication between the said portion of tramway and the other tramways of the Council in High Street Plumstead aforesaid and the said portion of tramway shall thereupon become and thereafter form for all purposes part of the tramway undertaking of the Council but the Council shall not make any such alteration as shall prevent the

* See Appendix.

through running of the cars of the Bexley Council from the Bexley tramway to and over the London tramway.

(6) If the Council shall under the provisions of this section purchase the said portion of tramway before the date on which they shall purchase the Bexley tramway under the Tramways Act 1870* (in this section referred to as "the date of compulsory purchase") it shall be lawful for the Bexley Council subject to the provisions hereinafter contained after such purchase under the provisions of this section and until the date of compulsory purchase to run over and use with their engines motors cars carriages (other than cars or carriages moved by animal power) officers and servants the said portion of tramway and the London tramway and (subject to the provisions hereinafter contained) to demand and take upon and in respect of the London tramway and the said portion of tramway so run over and used tolls fares and charges not exceeding those which the Council shall for the time being be authorised to demand and take in respect thereof.

(7) The Bexley Council shall not unless otherwise agreed in writing between the Council and the Bexley Council run upon the London tramway and the said portion of tramway or any part thereof respectively a more frequent service than at intervals of not less than seven and a half minutes between any two cars or carriages. Provided always that at the expiration of a period of five years from the date on which the Bexley Council shall first exercise running powers under the provisions of this section and at the expiration of every succeeding period of five years while the Bexley Council shall continue to exercise such running powers the Council or the Bexley Council may apply to the Board of Trade to require or sanction an increase or reduction of the minimum interval at which the Bexley Council may run cars or carriages upon the London tramway and the said portion of tramway and the said Board may after making such inquiry as they may think necessary make such order as they may think expedient.

(8) The Bexley Council shall on the thirty-first day of March next after they shall have commenced to exercise running powers under this section and on every succeeding thirty-first day of March while they shall continue to exercise such running powers pay to the Council by way of consideration for such running powers and for the electrical energy used in running over and using the London tramway and the said portion of tramway such a sum per car-mile run by the cars of the Bexley Council over the said portion of tramway and the London tramway as may be agreed upon or as failing agreement may be fixed by arbitration in manner hereinafter provided.

(9) The cars run by the Bexley Council over the said portion of tramway and the London tramway shall be under the control of the Bexley Council but the Bexley Council shall not use upon the said portion of tramway and the London tramway or any part thereof any defective car.

(10) The Bexley Council shall not under the powers of this section run over the said portion of tramway or the London tramway or any part thereof respectively any car which has not as part of its journey run for at least two miles over the tramways of the Bexley Council.

(11) The Bexley Council shall keep complete records of the cars

* See Appendix.

run by them over the said portion of tramway and the London tramway and shall allow the Council at all reasonable times to inspect and check such records and to take copies thereof or extracts therefrom.

(12) The Bexley Council shall not unless otherwise agreed between the Council and the Bexley Council demand or take in respect of the London tramway and the said portion of tramway or any part thereof respectively any toll fare or charge lower than the toll fare or charge for the time being demanded or taken by the Council in respect thereof.

(13) Nothing contained in this section shall be deemed to prejudice or affect the right of the Council to purchase under the provisions of the Tramways Act 1870 * the Bexley tramway or so much thereof as shall not have been purchased by the Council under the provisions of this section or any other portion of the tramway undertaking of the Bexley Council which may be situate within the county.

(14) The Council and the Bexley Council may at any time enter into and carry into effect any agreements with respect to the working use and management of the London tramway and the said portion of tramway or any part thereof respectively and in respect of any other matter arising under any of the provisions of this section. [See also 1 *Edw. 7, c. cclxxi. s. 20* ; 3 *Edw. 7, c. cexix. ss. 13 and 14* ; and 4 *Edw. 7, c. ccxxx. s. 60.*]

(15) If any difference shall arise between the Council and the Bexley Council as to the amount of any payment to be made by the Bexley Council to the Council or as to any other matter arising under any of the provisions of this section (except as to the minimum interval at which the Bexley Council may run cars and carriages upon the London tramway and the said portion of tramway) such difference shall be determined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the Board of Trade.

Incorporating provisions of London County Council (Tramways and Improvements) Act 1901 and London County Tramways (Electrical Power) Act 1900 with this part of Act.
For protection of War Office.

23. The sections of the London County Council (Tramways and Improvements) Act 1901 of which the numbers and marginal notes are set forth in the first part of the First Schedule to this Act and in addition to the provisions of the London County Tramways (Electrical Power) Act 1900 hereinbefore applied to the tramways the sections of that Act of which the numbers and marginal notes are set forth in the second part of the said First Schedule are hereby incorporated with and form part of this part of this Act and shall extend and apply to the tramways and to the Council in respect thereof as fully and effectually as if those sections had been re-enacted in this Act with reference thereto.

24. Where any tramway constructed under this Act shall pass any land or building in or under the control of the Secretary of State for the War Department no crossing passing place siding or junction whether shown on the deposited plans or not and no other work not shown on the deposited plans opposite to such land or building shall be constructed until it shall have been approved by the said Secretary of State or by an officer acting on his behalf and if at any time it shall in the opinion of the said Secretary of State be desirable that such crossing passing place siding junction or other work shall be altered or removed the Council shall alter or

* See Appendix.

remove it to the satisfaction of the Secretary of State within twenty-eight days from the time at which they are called upon to do so. Provided always that the approval of the said Secretary of State shall not be unreasonably withheld and that the said Secretary of State shall not unreasonably call upon the Council to alter or remove any crossing passing place siding or junction.

The Council shall not permit any of their engines or carriages to stop or stand upon their tramway opposite or near to the entrance to any lands or buildings vested in or under the control of the said Secretary of State in such manner as to interfere with access to or from such lands or buildings.

PART III.

STREET WORKS.

25—26. [*Power to the Council to make street widenings and works within the limits shown on the deposited plans and according to the levels shown on the deposited sections in Lordship Lane, London Road, Stanstead Road, Brockley Rise, Brockley Road, Malpas Road, Lewisham High Road, Loampit Hill, Loampit Vale, High Road Lee, Bostall Hill, Basildon Road, McLeod Road, Knee Hill, High Street Lewisham, Lewisham Road, and Nine Elms Lane, and to alter the levels of Lordship Lane, London Road, Brockley Road, Loampit Vale, and High Street Lewisham, as shown on such plans and sections.*]

27. The sections of the London County Council (Tramways and Improvements) Act 1901 of which the numbers and marginal notes are set forth in the Second Schedule to this Act are hereby incorporated with and form part of this part of this Act and shall extend and apply to the improvements in this Act referred to and to the Council in respect thereof as fully and effectually as if those sections had been re-enacted in this Act with reference thereto.

Incorporating
provisions
of London
County
Council
(Tramways
and Im-
provements)
Act 1901
with this
part of Act.

28. [*Applying provisions of the London County Council (Subways) Act 1893. Identical with 3 Edw. 7, c. cxxix. s. 36.*]

29. When and as each of the improvements or any part thereof is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the Clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the improvement to which it relates as shall have been laid out for carriage-way or footway shall form part of the street and may be used by the public accordingly. Subject to the provisions of this Act so much of the land acquired by the Council for the widening of any street as is thrown into and used for the carriage-way or footway of any street widened under this Act shall (subject to the enjoyment by the authority having the maintenance and management of such street of all such rights in such lands as are usually enjoyed in respect of a street by the road authority of the district) on the completion of such widening remain vested in the Council but the maintenance repair paving cleansing and lighting of each of the improvements shall be under the care management control and jurisdiction of the council of the metropolitan borough or of the urban district (as the case may be) in which the improvement is situate :

Improve-
ments to
form public
streets
Repair etc.

Provided that the provisions of this section with reference to the repair of carriage-way shall not apply to that part of any carriage-way which under the provisions of the Tramways Act 1870* the Council are bound to keep in repair.

30. [*Power to the Council to take lands. Identical with 1 Edw. 7, c. cclxxi. s. 39.*]

Purchase of
lands by
agreement.

31. In addition to the lands delineated on the deposited plans and described in the deposited book of reference the Council may purchase by agreement in connection with and for the purposes of the improvements any lands not exceeding in the whole five acres.

32. [*As to compensation in the case of recently altered buildings.*]

33. [*Power to the Council to take parts only of certain properties.*]

34. [*As to contributions by the councils of metropolitan boroughs (viz.: by Camberwell, towards the widening of Lordship Lane; by Deptford, towards the widenings of Malpas Road, Lewisham High Road, and so much of Brockley Road as is within the metropolitan borough of Deptford; by Lewisham, towards the widenings of London Road, Brockley Rise, Stanstead Road, Loampit Hill, Loampit Vale, Lee High Road, High Street, and so much of Brockley Road and Lewisham Road as is within the metropolitan borough of Lewisham; and by Woolwich, towards the widenings of Bostal Hill, Basildon Road, McLeod Road, and Knee Hill) of one-third in each case of the net cost of such widenings, and power to such Councils to borrow such contributions.*]

35. [*Prohibiting the Council, without the consent of the Receiver for the Metropolitan Police District, from entering upon, taking, or using the property numbered on the deposited plans 155, in the parish of Lee.*]

PART IV.

POWERS TO COUNCIL OF METROPOLITAN BOROUGH OF WOOLWICH.

36—57. [*Powers to the Council of the Metropolitan Borough of Woolwich to make a new street in Eltham as shown on the deposited plans, and to abandon certain street works authorised by 3 Edw. 7, c. cexix. s. 64, and various incidental powers relating to the making of such street.*]

PART V.

FINANCIAL AND MISCELLANEOUS.

Power to
Council to
purchase
lands for
Nine Elms
Lane widen-
ing and to
take parts
only.

58. Subject to the provisions of this Act the Council may for the purposes of the widening of Nine Elms Lane described in and authorised by the London County Council (Improvements) Act 1900 purchase and take the lands in the metropolitan borough of Battersea hereinafter described and delineated on the deposited plans and described in the deposited book of reference (that is to say):—

Lands belonging or reputed to belong to the Gas Light and Coke Company and situate between the southern side of Nine Elms Lane and an imaginary straight line drawn between points on the said southern side of Nine Elms Lane respectively $\frac{1}{2}$ chain or thereabouts measured in an easterly direction from the centre of the bridge known as Mill Pond Bridge and $5\frac{1}{2}$ chains or thereabouts measured in a westerly direction from Everett Street;

or such part thereof as they may require without being required

* See Appendix.

or compellable to purchase any greater part or the whole of the property of which the same form part. The provisions of this section shall be stated in every notice given thereunder by the Council to sell and convey the said lands or any part thereof.

59. Subject to the provisions of this Act the Council may enter upon take and use the lands in the parish and metropolitan borough of Wandsworth hereinafter described (that is to say):—

Lands bounded on the western and northern sides by premises belonging or reputed to belong to the Council on the east side by Jews Row and on the south side by Marl Street comprising the premises known as Nos. 25 27 29 31 and 33 Jews Row and the premises known as Caprera Lodge or 35 Jews Row :

And the Council may on such lands and on any lands now belonging to or hereafter acquired by them for the purposes of or in connection with their tramway undertaking for the time being erect construct and maintain carriage and engine houses sub-stations engines machinery shelters car-sheds stables offices buildings and other conveniences in connection with their said undertaking of such cubical extent as they may consider necessary or convenient. [*See also 59 & 60 Vict. c. li. s. 3.*]

60. The Council may enter into and carry into effect agreements with the council of any county borough or district or any company owning or working any tramway or light railway in or near the county of London with respect to the working use management and maintenance of any tramway or light railway for the time being belonging or leased to the Council or to such council of a county borough or district or to such company respectively and with respect to the interchange of traffic on any of such tramways and light railways. [*See also 1 Edw. 7, c. cclxxi. s. 20, and 3 Edw. 7, c. ccxix. ss. 13 and 14.*]

61. The sections hereinafter referred to of the London County Council (Tramways and Improvements) Act 1901 are hereby incorporated with and form part of this part of this Act and shall extend and apply to the lands by this part of this Act authorised to be acquired by the Council and to the Council in respect thereof as fully and effectually as if those sections had been re-enacted in this Act with reference thereto (that is to say):—

Section 42 Correction of errors etc. in deposited plans and book of reference.

Section 43 Power to Council to enter upon property for survey and valuation.

Section 44 Costs of arbitration etc. in certain cases.

Section 47 Compensation in case of insanitary property.

62. All provisions in this Act or in any Act or part of any Act incorporated herewith relating to or affecting a water company in respect of any undertaking purchased by the Metropolitan Water Board shall as from the appointed day referred to in the Metropolis Water Act 1902 apply mutatis mutandis to the said Board in like manner as if the said Board were such company :

Provided that for the purposes of this section the London Hydraulic Power Company shall not be deemed to be a water company.

63. The powers of the Council for the compulsory purchase or taking of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Purchase of lands for and erection of car-sheds etc.

Agreements as to working etc. of tramways and light railways.

Incorporating certain provisions of London County Council (Tramways and Improvements) Act 1901 with this part of Act.

For protection of Metropolitan Water Board.

Limitation of time for purchase of lands.

Period for completion of works.

64. If the tramways and improvements be not completed within the period of seven years from the passing of this Act then on the expiration of that period the powers of the Council under this Act for the execution of the same shall cease except so far as the same shall then have been completed.

Council to dispose of lands within a certain period.

65. Any lands acquired by the Council under the powers of this Act except such as are required to form part of any improvement or to be permanently retained for the purposes of this Act and except lands on which buildings shall have been erected by the Council for the purposes of this Act in pursuance of the provisions of the Housing of the Working Classes Act 1903 shall subject to the provisions of any future Act of Parliament be sold or disposed of by the Council within a period of sixty years from the first day of September next after the passing of this Act.

For protection of Commissioners of Works.

66. The Council shall not except with the approval of the Commissioners of Works erect any station for generating electricity or except in cases of emergency take a supply of energy for traction purposes from any generating station unless the site for such generating station is specified in an Act of Parliament or in an order confirmed by or having the effect of an Act of Parliament :

Provided always that this section shall not apply to any substation for the transformation and distribution of electrical power Provided also that this section shall not apply to any station in existence at the time of the passing of this Act.

For preventing obstruction at Westminster Bridge.

67. Whereas it has been arranged between the Council and the Commissioner of Police that on and after the first day of January one thousand nine hundred and five the Council shall not run any car on that portion of the tramway in Westminster Bridge Road which lies to the west of its junction with York Road on such days and at such hours as the Commissioner of Police may from time to time direct such arrangement is hereby confirmed :

Provided always that if any question shall arise between the Council and the Commissioner as to whether any such direction is reasonable such question shall be determined by the Secretary of State for the Home Department.

[See 6 Edw. 7, c. clxxxi. s. 44, which repeals this section as from the time therein named.]

As to payments under this Act.

68. [Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council Money Acts 1905—1906.]

69. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general or special county purposes within the meaning of the Local Government Act 1888 as the Council may decide. . . . [Part omitted (as to the expenses of obtaining this Act) spent.]

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

FIRST PART.

LONDON COUNTY COUNCIL (TRAMWAYS AND IMPROVEMENTS) ACT 1901.

Number of Section.	Marginal Note.
7	Tramways not to be opened until certified by Board of Trade.
8	As to rails of tramways.
9	Rails to be maintained on level of roadway.

Number of Section.	Marginal Note.
10	Saving rights of access to sewers.
11	Penalty for not maintaining rails and roads in good condition and inspection of tramways.
12	Power to make additional crossings etc.
13	Council may reduce width of footway in certain cases.
14	Use of tramways by road authorities for certain local purposes.
17	Power to Council to work tramways.
19	For protection of Postmaster-General (except sub-section (5) of paragraph (b) of that section).
22	Provision against interference with tramways.
23	Tolls etc.
24	Provision as to general Tramway Acts.
48	Alteration of position of water gas and other pipes.
49	For protection of gas and water companies.
50	Alteration of electric lines.

SECOND PART.

LONDON COUNTY TRAMWAYS (ELECTRICAL POWER) ACT 1900.

Number of Section.	Marginal Note.
6	Power to construct and provide appliances.
7	Further provisions as to paving materials of roads.
9	Application of materials excavated in construction of works.
10	Alterations in streets etc.
12	Drainage and cleaning of rails and conduit.
13	Reference of certain questions to arbitration.

SECOND SCHEDULE.

LONDON COUNTY COUNCIL (TRAMWAYS AND IMPROVEMENTS) ACT 1901.

Number of Section.	Marginal Note.
28	Power to stop up ways temporarily.
29	Streets may be raised or lowered.
30	Deviation from line and levels.
31	Power to make subsidiary works stop up streets etc.
32	Carriage-way footway sewers and other works.
33	Directing how pavement shall be laid and made.
34	Sewers or drains to be arched over or filled up.
35	Power to alter steps areas pipes etc.
38	Power to sell materials.
41	Power to certain persons to grant easements etc. by agreement.
42	Correction of errors etc. in deposited plans and book of reference.
43	Power to Council to enter upon property for survey and valuation.
44	Costs of arbitration etc. in certain cases.
47	Compensation in case of insanitary property.
48	Alteration of position of water gas and other pipes.
49	For protection of gas and water companies.
50	Alteration of electric lines.
52	Power to lease surplus lands.
53	As to sale of ground rents.
54	Council may sell land in the first instance without having previously granted a lease thereof.
55	Council may let or exchange lands.
57	Receipts of Council to be effectual discharges.
58	Power to Council to make agreements with owners of property etc.
65	Accounts of receipts and payments.
66	Agreements for closing accounts in cases of joint works.
68	Separate account of receipts and payments relating to tramways.
69	Apportionment of expenses of certain improvements.

THIRD SCHEDULE. [*Description of properties of which portions only are required to be taken by the Council.*]

CHAPTER CCXLIV.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO ACQUIRE LANDS FOR FIRE BRIGADE PURPOSES TO MAKE PROVISIONS WITH RESPECT TO SANITARY AND OTHER LIKE MATTERS TO AUTHORISE THE EXCHANGE OF CERTAIN LANDS AT TOOTING BEC COMMON TO EMPOWER THE COUNCIL OF THE METROPOLITAN BOROUGH OF WOOLWICH TO PURCHASE LANDS FOR VARIOUS PURPOSES TO CHANGE THE NAME OF THE METROPOLITAN FIRE BRIGADE TO CONFER VARIOUS POWERS UPON THE LONDON COUNTY COUNCIL AND UPON THE COUNCILS OF METROPOLITAN BOROUGHES AND FOR OTHER PURPOSES.

[15th August 1904.]

[*Preamble.*]

PART I.

INTRODUCTORY.

Short title. 1. This Act may be cited as the London County Council (General Powers) Act 1904.

Division of Act into parts. 2. This Act is divided into parts as follows :—

Part I.—Introductory.

Part II.—Purchase of Lands by Council.

Part III.—General Powers as to Lands.

Part IV.—Sanitary.

Part V.—Tuberculosis of the Udder in Cows.

Part VI.—Exchange of Land at Tooting Bec Common.

Part VII.—Extension of Time.

Part VIII.—Purchase of Lands by Woolwich Council.

Part IX.—Miscellaneous and Financial Provisions.

Interpretation. 3. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

“The Council” means the London County Council ;

“The county” means the administrative county of London ;

“The Corporation” means the mayor and commonalty and citizens of the city of London acting by the mayor aldermen and commons of the City of London in Common Council assembled ;

“The city” means the city of London and the liberties thereof ;

“The Woolwich Council” means the Council of the Metropolitan Borough of Woolwich ;

And the several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction.

Incorporation of general Acts. 4. The Lands Clauses Acts are (except sections 127 and 133 of the Lands Clauses Consolidation Act 1845 and except where expressly varied by this Act) incorporated with and form part of Parts II. III. and VIII. of this Act :

Provided that for the purposes of the said Parts II. and III. of this Act the expressions “the promoters of the undertaking” and “the company” in the Lands Clauses Acts shall be construed to mean the Council and that for the purposes of Part VIII. of this

Act the same expressions shall be construed to mean the Woolwich Council:

Provided also that notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 any claim for compensation under this Act or any Act incorporated herewith by any person having or in respect of any interest in the lands in respect of which compensation is claimed not greater than that of a lessee or tenant for any term of which not more than eighteen months remain unexpired at the time when the claim is made shall be determined by Justices in the manner provided by section 121 of that Act.

PART II.

PURCHASE OF LANDS BY COUNCIL.

5. Subject to the provisions of this Act the Council may purchase and take for the purposes of the Metropolitan Fire Brigade Act 1865 the lands in the county herein-after described and which are delineated on the deposited plans and described in the deposited book of reference (that is to say):—

Power to
Council to
take lands
for Fire
Brigade
purposes.

- (A) Lands in the city of London partly in the parish of Saint Mildred Bread Street and partly in the parish of Holy Trinity-the-Less bounded on the north side by Cannon Street on the south-east side by Queen Victoria Street and on the east and west sides by other premises in Cannon Street and Queen Victoria Street respectively the said lands comprising the premises known as Nos. 30 and 32 Cannon Street and 86 and 88 Queen Victoria Street:
- (B) Lands in the parish of Saint Mary Abbots Kensington and royal borough of Kensington bounded on the south-east side by Basil Street on the north-east side by Hoopers Court on the north-west side by the rear of premises Nos. 31 33 35 37 39 41 and 43 Brompton Road and on the south-west side by vacant land in Basil Street:
- (C) Lands in the parish of Plumstead in the metropolitan borough of Woolwich bounded on the north side by a private road leading from Plum Lane to the property known as "Lowood" on the south-west side by Eaglesfield Road on the east side by other lands belonging or reputed to belong to J. J. Jackson and situate in Eaglesfield Road and the before-mentioned private road and on the west side by Shrewsbury Lane.

6. [*Confirming the agreements scheduled to this Act.*]

PART III.

GENERAL POWERS AS TO LANDS.

7. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may (if they think fit) subject to the provisions of the Lands Clauses Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required in connection with or for the purpose of utilising the lands by this Act authorised to be acquired in over or affecting any such first-mentioned lands and for the purposes of this Act the provisions of the said Acts with respect to lands and

Power to
certain
persons to
grant ease-
ments etc. by
agreement.

rent-charges so far as the same are applicable in this behalf shall extend and apply to such easements rights and privileges as aforesaid and to any grant of the same respectively.

8—11. [*As to errors and omissions in plans—Power to the Council to enter and survey lands to be taken—As to costs of arbitration and as to compensation in the case of recently altered buildings.*]

12. [*Period for the compulsory purchase of lands limited to 3 years.*]

13. [*Power to the Council to lease surplus lands. Identical with 54 & 55 Vict. c. cevi. s. 28.*]

As to sale of
ground rents.

14. Subject to the provisions of this Act the Council may sell and dispose of or cause to be sold and disposed of the ground rents to be reserved by the leases or demises or agreed to be reserved by any agreements for leases of any lands made under the authority of this Act and also the fee simple in reversion in such lands and in the houses erections or buildings thereon either all together or in parcels by public auction or by private contract for such price or prices or sum or sums of money as the Council shall think reasonable and subject to such stipulations and provisions for the enjoyment thereof and as to the nature of the buildings which are to be at all times erected and built thereon and also subject to such stipulations as to the title to be produced to the hereditaments to be sold as the Council shall think fit and as regards any stipulations or provisions which may be contained in any conveyance under this enactment the same may at all times thereafter be enforced by the Council for the benefit of the parties entitled to other property adjoining or held after the same title.

15. [*Power to the Council to sell land without leasing. Identical with 57 & 58 Vict. c. clxxxv. s. 30.*]

16. [*Power to the Council to let or exchange lands. Identical with 54 & 55 Vict. c. cevi. s. 31.*]

Council to
dispose of
lands within
a certain
period.

17. Any lands acquired by the Council under the powers of this Act except such as are required to be permanently retained for the purposes of this Act shall subject to the provisions of any future Act of Parliament be sold or disposed of by the Council within a period of sixty years from the first day of September next after the passing of this Act.

18. [*The receipts of Council to be effectual discharges. Identical with 54 & 55 Vict. c. cevi. s. 33.*]

PART IV.

SANITARY.

Filthy dan-
gerous or
unwholesome
articles to be
purified.

19.—(1) Where on the certificate of the medical officer of health of any sanitary district it appears to the sanitary authority of that district that any articles in any house or part thereof in that district are in such a filthy dangerous or unwholesome condition that health is affected or endangered thereby or that the cleansing or purifying or destroying of any such articles is requisite to prevent risk of or to check infectious disease the sanitary authority may cause any such articles to be at their own expense cleansed or purified or they may destroy the same. [*See also 54 & 55 Vict. c. 76, ss. 2 (1) (a), and 60—65.*]

(2) If any owner suffer any unnecessary damage the sanitary authority shall compensate him for the same and the sanitary authority shall also reasonably compensate the owner for any articles destroyed.

20.—(1) Where on the certificate of the medical officer of health of any sanitary district it appears to the sanitary authority of that district that any house or part thereof in that district is infested with vermin such sanitary authority shall give notice in writing to the owner or occupier of such house or part thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and if so required in the notice to remove the wall paper from the walls of such house or the part thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

Houses infested with vermin to be cleansed.

(2) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable on summary conviction to a fine not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the sanitary authority may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the sanitary authority in so doing shall (subject as herein-after provided) be recoverable summarily as a civil debt from the person making the default. [See the *Summary Jurisdiction Act*, 1879, s. 35.]

(3) Upon any proceedings under this section the court may inquire as to whether any requirement contained in any notice given or any work done by the sanitary authority was reasonable and as to whether the costs and expenses incurred by the sanitary authority in doing such work or any part thereof ought to be borne wholly or in part by the person to whom the notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

21. Section 59 of the Public Health (London) Act 1891 shall for the purposes of the two last preceding sections of this Act extend and be applicable to the provision of means for cleansing purifying and destroying filthy dangerous or unwholesome articles and for the removal thereof and for the cleansing of houses infested with vermin as if the said section 59 were re-enacted herein and in terms made applicable thereto.

Provision of means for cleansing etc. filthy articles and houses.

22. If any sanitary convenience now or hereafter erected in or accessible from any street in any sanitary district shall be so placed or constructed as to be a nuisance or offensive to public decency the sanitary authority of that district by notice in writing may require the owner to remove such convenience or otherwise to reconstruct the same in such a manner and with such materials as may be required to abate the nuisance and remove the offence against public decency. Any owner who fails within a reasonable time to comply with a notice under this section shall be liable on summary conviction to a fine not exceeding five pounds and to a further fine not exceeding twenty shillings for every day during which he makes default in complying with the requirements of such notice after such conviction. [See also 54 & 55 *Vict. c.* 76, s. 45 (2).]

Sanitary authority may require removal or alteration of sanitary conveniences.

Fixed ash-pits to be removed where movable ashpits provided.

23. Where any person shall have provided in connection with any building in any sanitary district a movable ashpit conforming with the requirements of any byelaw or order made under any statutory power or authority in that behalf it shall be lawful for the sanitary authority of that district by notice in writing to require the owner of such building to remove or fill up any fixed ashpit in or about such building and restore to a good and sanitary condition the site of such ashpit within a reasonable period to be prescribed in such notice and if such owner fails to comply therewith within the period so prescribed he shall be liable on summary conviction to a fine not exceeding twenty shillings and to a further fine not exceeding ten shillings for every day during which he makes default in complying with such notice after such conviction :

Provided that the sanitary authority may if in the circumstances of any particular case they think fit bear any reasonable costs and expenses or part thereof incurred in executing work under this section.

[*See also 54 & 55 Vict. c. 76, s. 39 (1).*]

Power to sanitary authorities etc. to enter.

24.—(1) If the sanitary authority of any sanitary district have reasonable cause to suppose—

(A) that any articles in any house or part thereof in that district are in such a condition as is described in the section of this Act of which the marginal note is “Filthy dangerous or unwholesome articles to be purified”; or

(B) that any house or part thereof in that district is infested with vermin

such sanitary authority may enter on such house or part thereof and may inspect and examine the same and any articles therein for the purposes of the sections of this Act of which the marginal notes are respectively “Filthy dangerous or unwholesome articles to be purified” and “Houses infested with vermin to be cleansed.”

(2) The sanitary authority of any sanitary district shall have a right to enter at all reasonable times any house building or premises or part thereof in that district for the purpose of examining whether there is any contravention of the provisions of this part of this Act or any non-compliance with the requirements of any notice given thereunder respectively.

Enforcement of this part of Act and provisions relating thereto.

25. It shall be the duty of the sanitary authority for each sanitary district to enforce within that district the provisions of this part of this Act and for that purpose the sanitary authorities shall have all the rights and powers and be subject to all the liabilities and obligations conferred or imposed upon them by sections 101 115 116 117 118 119 121 124 125 127 128 133 and 135 of the Public Health (London) Act 1891 and those sections shall apply and have effect in respect of this part of this Act as if they were expressly re-enacted in and in terms made applicable to this part of this Act.

Interpretation in this part of Act.

26. For the purposes of this part of this Act unless the context otherwise requires—

The expression “sanitary authority” means the Corporation in respect of the city and as port sanitary authority in respect of so much of the port of London as established for the purposes of the laws relating to the Customs of the United Kingdom as is within the county the overseers of the Inner and Middle Temples in respect of the places known as the Inner and Middle Temples respectively and as respects any metropolitan borough (except as to any portion thereof which

may be within the said portion of the port of London) the council of such borough;

The expression "sanitary district" means the city or so much of the port of London as is within the county or the places known as the Inner and Middle Temples respectively or any metropolitan borough (except as to any portion thereof which may be within the said portion of the port of London);

The expression "house" includes schools and other buildings in which persons are employed and the curtilage of a house and any building or house wholly or partly erected under statutory authority but shall not include any premises being a factory workshop or laundry to which the Factory and Workshop Act 1901 applies or any building belonging to any dock company situate within the dock premises and not used wholly or in part as a dwelling-house or stable;

The expression "owner" means the person for the time being receiving the rack rent of the premises in connection with which the word is used whether on his own account or as agent or trustee for any other person or who would so receive the same if such premises were let at a rack rent;

The expression "rack rent" means rent which is not less than two-thirds of the full annual value of the premises out of which the rent arises and the full annual value shall be taken to be the annual rent which a tenant might reasonably be expected taking one year with another to pay for the premises if the tenant undertook to pay all usual tenants' rates and taxes and tithe commutation rent-charge (if any) and if the landlord undertook to bear the cost of the repairs and insurance and the other expenses (if any) necessary to maintain the premises in a state to command such rent;

The expression "ashpit" means any ashpit dustbin ashtub or other receptacle for the deposit of ashes or refuse matter;

The expression "sanitary convenience" includes any urinal water-closet earth-closet or privy and any similar convenience.

PART V.

TUBERCULOSIS OF THE UDDER IN COWS.

27.—(1) If a veterinary surgeon appointed by the Council for the purposes of the Dairies Cowsheds and Milkshops Order 1899 has reason to suspect on any inspection that any cow in any dairy farm or cowshed situate in the county (elsewhere than in the city) is suffering from tuberculosis of the udder he may cause such cow to be removed from such dairy farm or cowshed. Council may cause cow suffering from tuberculosis of udder to be slaughtered.

(2) Forthwith after such removal the Council shall either agree in writing with the owner of such cow the full value thereof at the time of removal or if they shall fail so to agree shall cause such value to be ascertained by a valuer to be appointed on the application of the Council by the Board of Agriculture and such valuer shall give to the Council and to the owner a certificate in writing of the said value.

(3) As soon as may be after such value shall have been agreed or certified as aforesaid the Council shall cause any cow which may have been so removed as aforesaid to be slaughtered and shall

thereupon cause the carcase of such cow to be examined by a properly qualified and (if so required by the owner of the cow) independent veterinary surgeon who failing agreement between the Council and such owner shall be nominated by the president for the time being of the Royal College of Veterinary Surgeons.

(4) If on such examination the veterinary surgeon making the same certifies that such cow was not in fact suffering from tuberculosis of the udder the Council shall pay to the owner thereof by way of compensation and in full satisfaction of all claims and demands by the owner against the Council a sum equal to the value of such cow as agreed or certified in manner aforesaid or the sum of thirty pounds (whichever shall be the less) and a further sum of twenty shillings and shall also bear and pay the reasonable costs of any independent veterinary surgeon and valuer employed for the purposes of this section.

(5) If on any such examination the veterinary surgeon making the same shall certify that such cow was in fact suffering from tuberculosis of the udder the Council shall pay to the owner thereof by way of compensation and in full satisfaction of all claims and demands by the owner against the Council a sum equal to three-fourths of the value of such cow as agreed or certified in manner aforesaid or the sum of twenty-two pounds ten shillings (whichever shall be the less) and shall also bear and pay one half of the reasonable costs of any independent veterinary surgeon and valuer employed for the purposes of this section and the remaining half of such costs shall be borne and paid by the said owner.

(6) The carcase of any cow which has been slaughtered under the provisions of this section shall belong to the Council and shall be buried or sold or otherwise disposed of as the Council may direct and as the condition of such carcase and other circumstances may require or admit and any money received by the Council on any such sale shall be carried by them to the credit of the special county account of the county fund.

(7) This section may be carried into execution by a committee of the Council formed in accordance with the Fourth Schedule to the Diseases of Animals Act 1894 except that the committee shall consist wholly of members of the Council.

(8) Any person obstructing a veterinary surgeon or other person duly employed in the execution of this section shall be liable on summary conviction to a fine not exceeding five pounds.

(9) All expenses incurred by the Council in the execution of this part of this Act shall be defrayed as payments for special county purposes within the meaning of the Local Government Act 1888.

PART VI.

EXCHANGE OF LAND AT TOOTING BEC COMMON.

28—30. [*Power to the Council and to the owners of the Mortimer Estate adjoining Tooting Bec Common to exchange certain lands belonging to such owners and coloured pink on a plan signed by John Heywood Johnstone, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, and copies of which plan have been deposited in the Private Bill Office of the House of Commons and the Parliament Office of the House*

of Lords (and in the Act hereafter called "the pink lands"), for certain lands coloured blue on the said plans and forming part of the said Common (and in the Act hereafter called "the blue lands"). Spent.]

31. Unless the Council shall otherwise agree in writing the owners for the time being of the blue lands shall at all times after such exchange so far as practicable preserve the established trees now on such lands and on lands forming part of the Mortimer Estate adjoining the said blue lands in so far as such preservation of trees shall not interfere with the development of the Mortimer Estate.

Owners of blue lands to preserve trees.

PART VII.

EXTENSION OF TIME.

32. The time limited by the London County Council (Improvements) Act 1897 for the construction of the new street (Tower Bridge northern approach) described in and authorised by that Act is hereby extended till the sixth day of August one thousand nine hundred and seven.

Extension of time for completion of works.

33. Part II. of the Railways Clauses Act 1863 relating to extension of time shall be deemed to be incorporated with this part of this Act and for the purposes of this Act the expressions "railway" and "railway and works" shall mean the works mentioned in the section of this Act of which the marginal note is "Extension of time for completion of works" and the expression "the Company" shall mean the Council.

Applying provisions of Railways Clauses Act 1863 as to extension of time.

PART VIII.

PURCHASE OF LANDS BY WOOLWICH COUNCIL.

34—45. [*Power to the Woolwich Council to purchase and take lands for the widening of High Street, Eltham, and provisions relating thereto, and to borrow a sum not exceeding £4,000 for such purpose, and such further sums as may be required to pay the Woolwich Council's proportion of the expenses of obtaining this Act.*]

PART IX.

MISCELLANEOUS AND FINANCIAL PROVISIONS.

46. From and after the passing of this Act notwithstanding anything contained in the Metropolitan Fire Brigade Act 1865 the force of firemen established under that Act shall be called "the London Fire Brigade" instead of "the Metropolitan Fire Brigade" and the officer in command of such force shall be called "the chief officer of the London Fire Brigade" instead of "the chief officer of the Metropolitan Fire Brigade."

Altering titles of Metropolitan Fire Brigade and chief officer thereof.

47. Notwithstanding anything contained in the London County Council (General Powers) Act 1902 licences granted or renewed by the Council under that Act to keep or use premises as common lodging-houses shall expire on such day in every year as the Council may fix notwithstanding that the period during which any such licence shall remain valid may exceed one year from the date thereof and when a licence is first granted or renewed after the passing of

Amending Part IX. of London County Council (General Powers) Act 1902.

this Act the Council may provide that the same shall be valid for a period ending on or at any time before the day so fixed which secondly occurs after the date of the licence.

Fines under Part VIII. of London County Council (General Powers) Act 1902 to be payable to sanitary authorities.

48. Notwithstanding anything contained in the Metropolitan Police Courts Act 1839 or in the London County Council (General Powers) Act 1902 or in any other Act or Acts to the contrary whenever in consequence of proceedings taken by a sanitary authority against any person in respect of any offence under Part VIII. (Ice-creams) of the said London County Council (General Powers) Act 1902 a pecuniary penalty is inflicted the amount of such penalty shall be payable and paid to such sanitary authority.

Borough councils may plant trees.

49. The council of any metropolitan borough may if they see fit cause trees to be planted in any highway within their borough and may maintain any trees planted or to be planted in any highway and erect and maintain guards or fences for the protection of the same. Provided that it shall be lawful for the council of any metropolitan borough to join with any other body or person in exercising the powers conferred by this section. Provided also that the powers of this section shall not be exercised so as to hinder the reasonable use of the highway by the public or any person entitled to use the same or so as to become a nuisance or injurious to any adjacent owner or occupier :

Provided also that where the council of a metropolitan borough shall have resolved to exercise the powers of this section in respect of any highway or part of a highway they shall give to the occupiers of all premises in that highway or that part of a highway notice in writing of such resolution and if within the period of one month after the giving of such notice the occupiers of two-thirds or upwards in number or rateable value of such premises shall have given to such council notice in writing of their dissent from the proposal the said powers shall not be exercised.

Power to sell etc. lands situate over Thames Tunnel.

50. The powers conferred upon the Council by the Thames Tunnel (Rotherhithe and Ratcliff) Act 1900 with respect to the demising leasing letting selling and disposing of lands acquired by them under the powers of that Act and not required for the purposes of that Act shall be deemed to extend to and be exerciseable in respect of lands situate over the site of the tunnel or subway by that Act authorised or any part of that site.

Power to councils of metropolitan boroughs to contribute to cost of acquisition by Council of Avery Hill Estate and Springfield Estate.

51.—(1) It shall be lawful for the council of any metropolitan borough to contribute towards the amount expended or to be expended by the Council in the purchase of the estate in the parish of Eltham and metropolitan borough of Woolwich known as the Avery Hill Estate and the estate in the parish and metropolitan borough of Hackney known as the Springfield Estate or either of such estates for the purposes of the Open Spaces Acts 1877 to 1890 and any Act amending the same such sum or sums as they may respectively think fit. [See 5 Edw. 7, c. cccvi. ss. 39—42.]

(2) For the purpose of paying any such contribution as aforesaid or any part thereof the council of a metropolitan borough may borrow the requisite moneys and for the purpose of securing the repayment with interest of any such moneys may mortgage and assign all the moneys or rates authorised to be raised by them under the Metropolis Management Act 1855 and all the provisions of sections 183 to 189 of the last-mentioned Act as amended by any subsequent Act shall apply to any borrowing by the council of a

metropolitan borough under this section All moneys borrowed by the council of a metropolitan borough under this section shall be repaid within a period not exceeding sixty years from the date or respective dates of borrowing.

52. Nothing in this Act affects prejudicially any right power privilege or exemption of the Crown. Saving rights of Crown.

53. *[Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council (Money) Acts 1905—1906.]*

54.—(1) All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . As to payments under this Act.

(2) Any moneys expended by the council of any metropolitan borough in the execution of this Act (except so far as they may be otherwise provided for by this Act) shall be charged upon the general rate leviable within the respective boroughs of the councils expending the same. *[See 62 & 63 Vict. c. 14, s. 10.]*

(3) Any moneys expended by the Corporation in the execution of this Act as the sanitary authority of the city shall be paid out of their consolidated rate and sewers rate or either of such rates. *[See the City of London Sewers Acts 1848, 1851, and 1897.]*

(4) Any moneys expended by the overseers of the Inner and Middle Temple respectively in the execution of this Act shall be defrayed in the same manner as the expenses of the execution of the Acts relating to the relief of the poor are defrayed in such places. *[See 30 & 31 Vict. c. 6, ss. 66—67.]*
[Part omitted (as to the expenses of obtaining this Act, and requiring the Woolwich Council to pay a proportion of such expenses).]

SCHEDULE. *[Agreement made the 11th June 1904 between the Right Honourable Victor Albert George, Earl of Jersey, G.C.B., G.C.M.G., Frederick George Hilton Price, and Thomas Edward Jennings of the first part, John Goddard of the second part, and the County Council of the Administrative County of London of the third part, as to the acquisition by the Council of two pieces of ground situate in Basil Street and Hoopers Court, Kensington.]*

5 EDWARD VII. A.D. 1905.

CHAPTER CIII.

AN ACT TO CONFIRM A PROVISIONAL ORDER MADE BY THE BOARD OF EDUCATION UNDER THE EDUCATION ACTS 1870 TO 1903 TO ENABLE THE LONDON COUNTY COUNCIL TO PUT IN FORCE THE LANDS CLAUSES ACTS. [4th August 1905.]

[Preamble recites that the Board of Education have made a Provisional Order under the authority of the Education Acts 1870—1903 on behalf of the London County Council (herein-after called "the Council").]

1. The following Order as set out in the Schedule to this Act shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force. confirmation of Order in Schedule.

2. *[Saving of public rights of way. Identical with 4 Edw. 7, c. cxii. s. 2.]*

3. *[Power to the Council to appropriate, etc., for street widenings portions of sites acquired. Identical with 4 Edw. 7, c. cxii. s. 5.]*

No compensation to be paid for improvements etc. made since 18th October 1904.

4. In settling any question of disputed purchase money or compensation payable under this Act by the Council the court or person settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the eighteenth day of October one thousand nine hundred and four if in the opinion of such court or person the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view of obtaining or increasing compensation under this Act.

Short title.

5. This Act may be cited as the Education Board Provisional Order Confirmation (London No. 1) Act 1905.

SCHEDULE. [*Provisional Order of the Board of Education dated the 12th April 1905 authorising the London County Council to put in force the Lands Clauses Acts for the purchase and taking otherwise than by agreement of certain lands in the metropolitan boroughs of Battersea, Fulham, Hammersmith, Lambeth, Lewisham, St. Pancras, Southwark, Stepney, Wandsworth, and Woolwich, and in the royal borough of Kensington, for the purpose of providing elementary education within the meaning of the Education Acts 1870-1903, which lands are delineated on the plans Nos. 1-8, 10, 12-20, 22, 24, 26, and 27 referred to in such Order.*]

CHAPTER CIV.

AN ACT TO CONFIRM A PROVISIONAL ORDER MADE BY THE BOARD OF EDUCATION UNDER THE EDUCATION ACTS 1870 TO 1903 TO ENABLE THE LONDON COUNTY COUNCIL TO PUT IN FORCE THE LANDS CLAUSES ACTS. [4th August 1905.]

[*Preamble recites that the Board of Education have made a Provisional Order under the authority of the Education Acts 1870-1903 on behalf of the London County Council (herein called "the Council").*]

Confirmation of Order in Schedule.

1. The following Order as set out in the Schedule to this Act shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force.

2. [*Saving of public rights of way. Identical with 4 Edw. 7, c. cxii. s. 2.*]

Council may appropriate etc. for street widenings portions of site acquired.

3. If in the opinion of the Council either of the roads upon which the site which the Council are by this Act and the Order scheduled hereto authorised to acquire abuts are not sufficiently wide for the accommodation of the present and probable future traffic or for the convenience of the persons using the said roads it shall be lawful for the Council to appropriate take and use for the purpose of widening such roads or either of them so much of the said site as the Council may determine to be necessary for such purpose :

Provided that if the Council appropriate take or use under the provisions of this section any part of the said site for the purpose of widening any road such part (if any) of the cost of the acquisition of the site and of any expenses incidental to such acquisition as the Council may determine shall be deemed to be part of the costs and expenses of the Council in connexion with street improvements.

4. [*As to compensation in the case of recently altered buildings. Identical with 5 Edw. 7, c. cxiii. s. 4.*]

5. This Act may be cited as the Education Board Provisional Short title.
Order Confirmation (London No. 2) Act 1905.

SCHEDULE. [*Provisional Order of the Board of Education dated the 14th April 1905 authorising the London County Council to put in force the Lands Clauses Acts for the purchase and taking otherwise than by agreement of certain lands in the metropolitan borough of Wandsworth for the purpose of providing elementary education within the meaning of the Education Acts 1870—1903, which lands are delineated on the plan No. 21 referred to in such Order.*]

CHAPTER CXLIH.

AN ACT TO REGULATE THE EXPENDITURE OF MONEY BY THE LONDON COUNTY COUNCIL ON CAPITAL ACCOUNT DURING THE CURRENT FINANCIAL PERIOD AND THE RAISING OF MONEY TO MEET SUCH EXPENDITURE AND FOR OTHER PURPOSES. [4th August 1905.]

[*Preamble.*]

1. This Act may be cited for all purposes as the London County Short title.
Council (Money) Act 1905 and the London County Council (Money)
Acts 1875 to 1904 and this Act may be cited together as the London
County Council (Money) Acts 1875 to 1905.

2. This Act shall subject to the provisions thereof be read and Construction
have effect as one with the Metropolitan Board of Works (Loans) of Act.
Acts 1869 to 1871 and the London County Council (Money) Acts
1875 to 1904 :

But all consolidated stock created by the Council shall be charged
upon the county rate in substitution for the consolidated rate.

3. In and for the purposes of this Act—

The expression “the Council” shall mean the London County Interpretation.
Council ;

The expression “metropolitan borough council” shall mean the
council for a metropolitan borough constituted under the
London Government Act 1899 ;

The expression “the financial year” shall mean the period from
the first day of April one thousand nine hundred and five
to the thirty-first day of March one thousand nine hundred
and six both dates inclusive ;

The expression “the following six months” shall mean the
period from the first day of April one thousand nine hundred
and six to the thirtieth day of September one thousand nine
hundred and six both dates inclusive ;

The expression “the financial period” shall mean the financial
year and the following six months.

4—5. [*Power to the Council during the financial period to expend money for sundry purposes. Spent.*]

6. [*Power to the Council during the financial period to lend to metropolitan borough councils, corporations, or other public bodies in London. Spent.—Provision as to repayment. Identical with such provision in 2 Edw. 7, c. cxiv. s. 6.*]

7. [*Power to the Council during the financial period to lend to boards of guardians in London. Spent. Identical with such provision in 61 & 62 Vict. c. cxxii. s. 7.*]

8. [*Power to the Council during the financial period to lend to the Managers of the Metropolitan Asylum District. Spent.*]

9. [Power to the Council during the financial period to lend to persons for the purposes of the *Small Dwellings Acquisition Act* 1899. *Spent.*]

10. [Protection of the Council in case of certain loans. *Identical with 54 & 55 Vict. c. 62, s. 13, omitting the words "body of commissioners."*]

As to money
lent by
Council in
certain cases.

11. Money lent by the Council under the powers of this Act during the six months ending the thirtieth day of September one thousand nine hundred and six shall be lent on account of the financial year ending the thirty-first day of March one thousand nine hundred and seven.

12. [Power to the Council to raise money by creation of consolidated stock. *Identical with 4 Edw. 7, c. xcvii. s. 14.*]

13. [As to repayment of moneys lent by the Council. *Identical with 62 & 63 Vict. c. cccxxviii. s. 15.*]

New redeem-
able consoli-
dated stock.

14. All stock created under the powers of this section shall form part of and rank equally with the consolidated stock created under the powers of the *London County Council (Money) Acts* 1896 to 1904 and shall also rank equally with all consolidated stock created under the powers of any subsequent Act if the same be thereby declared to rank equally with consolidated stock created under the powers of this section.

[Part omitted identical with 59 & 60 Vict. c. cxciv. s. 14, down to the words "sinking fund in respect of such stock."]

15. [As to the employment of money of the *Consolidated Loans Fund*. *Identical with 4 Edw. 7, c. xcvii. s. 17.*]

16. [As to the investment of money of the *Consolidated Loans Fund*. *Identical with 59 & 60 Vict. c. cxciv. s. 16.*]

Power after
issue of
stock to
apply money
raised by
stock to
make up
dividends
from fixed
dates.

17. Where stock is issued under this Act subject to a condition that the money to be raised thereby shall be paid up by instalments the Council may pay dividend on the total nominal amount of such stock from any date fixed at the time of issue although the instalments or some or one of them may not have been payable until after that date. If the amount so paid by way of dividend exceed the sum which would have been payable on the portion of the stock representing the money actually paid up the difference may be paid out of the proceeds of the issue of the stock to the *Consolidated Loans Fund* but not at any time later than twelve months from the date of issue.

18. [As to the redemption or conversion of stock. *Identical with 59 & 60 Vict. c. cxciv. s. 18.*]

19. [Limit to the exercise of borrowing powers by the Council during the financial period. *Spent.*]

20. [Incorporation of ss. 27—43 of 48 & 49 Vict. c. 50. *Identical with 59 & 60 Vict. c. cxciv. s. 21.*]

Power to
lend tem-
porarily.

21. Section 22 (Power to lend temporarily) of the *London County Council (Money) Act* 1901 is hereby repealed and in lieu thereof the following provisions shall have effect:—

The Council may lend temporarily (upon the security of any stock bonds bills or other property in which trustees are by the *Trustee Act* 1893 authorised to invest or upon the security of *Treasury bills* *India bills* *London County bills* or

certificates to bearer relating to stock in this section before referred to) to any person or persons any sum of money which the Council may have in hand :

Provided—

(a) That no such loan shall be advanced for a longer period than three months ;

(b) That the aggregate of such loans outstanding at any one time shall not exceed two million pounds ;

(c) That the Council shall with the consent of the Treasury determine the percentage by which the value of the securities required from borrowers shall exceed the amount of the loans advanced.

22. [*Provisions as to raising money by bills. Spent.*]

23. [*Application of ss. 8—11 of the Forgery Act 1861 * to London County bills. Identical with 61 & 62 Vict. c. cxxii. s. 24.*]

24. (1) Notwithstanding anything in the Metropolitan Board of Works (Loans) Act 1869 or in the Local Government Act 1888 it shall be lawful for the Council to direct the Bank of England to hold to the order of the Council for such time as the Council may determine all or any moneys received by the said bank on behalf of and as agent for the Council in respect of any issue by the Council of consolidated stock or London County bills and the said bank may hold such moneys accordingly.

As to retention by Bank of England of moneys received on behalf of Council.

(2) So much of section 41 of the said Metropolitan Board of Works (Loans) Act 1869 as limits the period within which moneys so received shall be paid into the hands of the bank appointed by the Council under that section is hereby repealed.

25. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (as to the expenses of obtaining this Act) spent.*]

As to payments under this Act.

SCHEDULE. [*Particulars of purposes for which moneys may be raised under this Act, and of the sums authorised to be raised for such purposes. Spent.*]

CHAPTER CLV.

AN ACT TO AMEND THE ACTS RELATING TO THE SUPPLY OF GAS IN LONDON AND TO MAKE FURTHER PROVISIONS WITH REFERENCE THERETO. [4th August 1905.]

[*Preamble recites (inter alia) that the Gas Light & Coke Company, the South Metropolitan Gas Company, and the Commercial Gas Company have been respectively authorised to supply gas within several districts within the administrative county of London ; and that the Mayor, Aldermen, and Commons of the City of London in relation to any place within the city of London and the liberties thereof, and the Metropolitan Board of Works in relation to any other place within the limits of the metropolis as defined by the Metropolis Management Act 1855, are by the Gas Light and Coke and other Gas Companies Acts Amendment Act 1880 (in this Act referred to as "the Act of 1880") declared to be the controlling*

* See Appendix.

authorities within the meaning of the said Act; and that by the Local Government Act 1888 the powers, duties, and liabilities of the Metropolitan Board of Works were transferred to the London County Council.]

Short title and commencement of Act.

1. This Act may be cited for all purposes as the London Gas Act 1905 and shall come into operation on the first day of January one thousand nine hundred and six.

Act of 1880 and this Act to be construed together.

2. The Act of 1880 * as amended by this Act and this Act shall be read and construed together as one Act and words and expressions to which meanings are assigned by the Act of 1880 have in this Act unless the context otherwise requires the same respective meanings.

As to burner for testing illuminating power.

3. The gas referees shall from time to time prescribe the burner for testing the illuminating power of the gas supplied by the company and the chimney (if any) to be used with such burner. The burner so prescribed shall be of such a pattern (not being an incandescent or similar burner) as shall be practicable for use by the consumer and the burner and the chimney (if any) shall be the most suitable for obtaining and in making the test shall be so used as to obtain from the gas when consumed at the rate of five cubic feet an hour the greatest amount of light.

Illuminating power.

4.—(1) The gas supplied by the Gas Light and Coke Company shall with respect to its illuminating power be such as to produce when consumed at the rate of five cubic feet an hour in the burner prescribed as hereinbefore provided a light equal in intensity to sixteen sperm candles of six to the pound and each consuming one hundred and twenty grains an hour.

(2) The gas supplied by the South Metropolitan Gas Company and the Commercial Gas Company respectively shall with respect to its illuminating power be such as to produce when consumed at the rate of five cubic feet an hour in the burner prescribed as hereinbefore provided a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains an hour.

(3) If on any one day the gas supplied by the company at any testing place is of less illuminating power to an extent not exceeding one candle than it ought to be the average of all the testings made at such testing place on that day and on the preceding day and on the following day shall be deemed to represent the illuminating power of the gas on such one day at such testing place.

As to testing for calorific power sulphur impurities and illuminating power with flat flame burner.

5.—(1) Each gas examiner shall at such places and in such manner as may be from time to time prescribed by the gas referees make testings of the gas supplied by the company for the purpose of ascertaining—

- (i) The calorific power;
- (ii) The purity as regards sulphur other than sulphuretted hydrogen; and
- (iii) The illuminating power as ascertained by means of a flat flame burner to be prescribed from time to time by the gas referees which shall be of the best available pattern.

(2) Each gas examiner shall forthwith deliver to the controlling

* See Appendix.

authority to the gas referees to the chief gas examiner and to the company a report of the result of each testing conducted by him under the provisions of this section.

(3) The company shall not be liable to forfeitures in respect of any testings made under the provisions of this section.

(4) The company shall provide and maintain at any testing place such apparatus and materials as the gas referees may from time to time prescribe and certify for use for the purposes of this section and shall give to any gas examiner access to any testing place and shall afford to him all facilities for the proper execution of his duty under this section.

(5) A gas examiner shall make in accordance with this section testings at any place prescribed as hereinbefore provided on such days (exclusive of Sundays) as the controlling authority shall direct.

6. The gas supplied by the company shall not exhibit any trace of sulphuretted hydrogen when tested in a mode to be from time to time prescribed and certified by the gas referees for testing and recording the presence of sulphuretted hydrogen which mode shall not be more stringent than the mode prescribed in Schedule A. of the Gasworks Clauses Act 1871 and section 15 of the Act of 1880 * shall apply accordingly.

As to sulphuretted hydrogen.

7. After the commencement of this Act the company shall not be liable to any forfeiture by reason of the presence in the gas supplied by the company of sulphur impurities other than sulphuretted hydrogen and the gas referees shall not prescribe or certify the amount of sulphur impurities other than sulphuretted hydrogen with which the gas supplied by the company shall be allowed to be charged.†

No liability to forfeiture for sulphur impurities other than sulphuretted hydrogen.

8. The company shall connect each testing place with such main or mains as may be prescribed by the gas referees by means of one service pipe only which shall proceed direct from the main into the testing place and there shall be no pipe branch or tap in any way connected with such service pipe outside the testing place except that the company may provide a tap on the service pipe at a point outside and as near as practicable to the testing place for use in case of emergency only and such tap shall be sealed by or on behalf of the controlling authority as occasion may require in such manner that the tap cannot be used or turned without breaking the seal. The company shall give the controlling authority and persons authorised by them access at all reasonable times to such tap and in the event of the same having been used or turned shall forthwith notify the fact to the gas referees and to the controlling authority.

As to pipes connecting mains with testing places.

9. If the company think themselves aggrieved by any prescription or certificate of the gas referees they may in the case of an appeal in respect of a burner or a chimney prescribed by the gas referees under the provisions of this Act within three months or in any other case within one month from the making of such prescription or certificate appeal against such prescription or certificate to the chief gas examiner who after hearing the company and

Appeal by company to chief gas examiner against prescription or certificate of gas referees.

* See Appendix.

† Provisions similar to those in this section were enacted as regards various Companies (other than those named in this Act) including the Wandsworth & Putney Gas Light & Coke Company by the Gas Companies (Removal of Sulphur Restrictions) Act 1906.

the gas referees and any other body or person whom he shall think fit may confirm amend vary or annul such prescription or certificate and his decision shall be final and conclusive.

Any prescription or certificate as so confirmed amended or varied shall be deemed to be the prescription or certificate of the gas referees in the matter or matters to which it relates.

Sunday
testing.

10. Notwithstanding anything in the Act of 1880* or in any other Act it shall not be obligatory on the controlling authority to make on Sunday any testings of the gas supplied by the company and in any case in which the controlling authority shall not make such testings on Sunday any provisions relating to the testing of the gas supplied by the company shall be read and construed as if Saturday were as the case may be the day preceding or immediately preceding or the previous day to Monday and Monday were the day following Saturday.

Amendment
of section 12
of Act of
1880.

11. Section 12 of the Act of 1880* is hereby repealed and in lieu thereof the following provisions shall have effect (that is to say):—

If the company think themselves aggrieved by any report of a gas examiner they may within seven days after the day on which that report is delivered to the company appeal to the chief gas examiner who may confirm amend vary or annul such report and whose decision after hearing the parties shall be final and conclusive and the chief gas examiner shall forthwith report every such decision to the controlling authority and to the company:

If in any case the company do not appeal as aforesaid or if having appealed they withdraw the appeal the report of the gas examiner shall be final and conclusive:

In the event of the company appealing to the chief gas examiner or in the event of the company withdrawing the appeal the company shall forthwith give notice of such appeal or of such withdrawal as the case may be to the controlling authority.

Further
powers to
chief gas ex-
aminer as to
forfeitures.

12. If the chief gas examiner in giving his decision upon any appeal made to him by the company against the report of a gas examiner shall certify that the default of the company is not substantial or not due to the careless conduct of the company or their servants proceedings shall not be taken before a petty sessional court for the determination of the amount of the forfeiture to be paid by the company in respect of such default but the chief gas examiner if requested so to do by the controlling authority at the time of hearing such appeal or giving his decision thereon or at any time within six months after the date of his decision may after hearing the Council and the company determine subject to the provisions of section 14 of the Act of 1880* the amount of forfeiture to be paid by the company in respect of such default.

The amount of any forfeiture fixed by the chief gas examiner under this section shall be recoverable summarily as a civil debt from the company and appropriated in the same manner as if the amount of such forfeiture had been fixed by a petty sessional court. [See the *Summary Jurisdiction Act 1879*, s. 35.]

As to
hearing in
absence of
parties.

13. The chief gas examiner may give his decision upon any matter referred to him under this Act without hearing any party who shall fail or neglect to attend before him after receiving notice

* See Appendix.

less than seven days' notice of the time and place fixed by the chief gas examiner for hearing such matter.

14. Section 18 of the Act of 1880* is hereby repealed and in lieu thereof the following provisions shall have effect (that is to say):—

Amendment
of section 18
of Act of
1880.

The report of a gas examiner (in cases where there is no report of the chief gas examiner) showing a case of defective illuminating power excessive impurity in or insufficient pressure of the gas supplied by the company or in cases where there is a report of the chief gas examiner showing such a case as aforesaid such last-mentioned report shall be conclusive evidence of the liability of the company to a forfeiture in respect thereof.

15. If the company neglects or refuses to comply with any lawful prescription or certificate of the gas referees or to provide or maintain any testing place apparatus or materials or any other matter or thing prescribed or certified therein the company shall be liable on summary conviction to a penalty not exceeding fifty pounds for each day during which such refusal or neglect continues:

Penalty for
neglect to
comply with
prescriptions
of gas
referees.

Provided that no proceedings under this section shall be taken unless the Board of Trade shall after giving the company an opportunity of being heard consent thereto and—

(a) Until after the expiration of the period within which the company may under the section of this Act of which the marginal note is "Appeal by company to chief gas examiner against prescription or certification of gas referees" appeal against the prescription or certificate; or

(b) If the company shall have appealed as aforesaid unless or until either such appeal is withdrawn or the chief gas examiner has given a decision thereon.

The remedy provided by this section shall be in addition to and not in derogation of any existing remedy.

16. Proceedings against the company in respect of any forfeiture incurred under the Act of 1880* or this Act may be commenced at any time within six months after the date of the report of the gas examiner or after the date of the report of the chief gas examiner on appeal or in the event of the company duly appealing to the chief gas examiner and withdrawing the appeal within six months from the date of the receipt of notice of such withdrawal.

Proceedings
in case of
forfeiture.

17. Any report or certificate of the chief gas examiner purporting to have been signed by him shall for all purposes and to all intents be *prima facie* evidence of the due making and signing thereof without proof of such signature.

Proof of
report etc.
of chief gas
examiner.

18. Any notice required to be given under this Act may be served by post.

As to service
of notices.

19. The Acts specified in the first column of the Schedule to this Act shall be and the same are hereby repealed to the extent specified in the second column of that Schedule.

Repeal of
Acts.

20. Sections 7 to 12 25 to 34 37 40 and 41 of the Metropolis Gas Act 1860 are hereby repealed.

Repeal of
parts of
Metropolis
Gas Act 1860

21. [*Expenses of obtaining this Act. Spent.*]

Costs of Act.

* See Appendix.

The SCHEDULE referred to in the foregoing Act.

Acts.	Extent of Repeal.
The Gas Light and Coke Company Act 1876	Sections 25 33 37.
The South Metropolitan Gas Light and Coke Company's Act 1876	Sections 26 34 38.
The South Metropolitan Gas Act 1900	Section 6.
The Commercial Gas Act 1875	Sections 31 34 52.
The Commercial Gas Act 1903	The whole Act.

CHAPTER CLXXXVIII.

AN ACT TO CONFIRM A SCHEME MADE UNDER THE LONDON
GOVERNMENT ACT 1899 RELATING TO THE COUNTIES OF
LONDON AND MIDDLESEX. [11th August 1905.]

[Preamble.]

Scheme in
Schedule
confirmed.

Short title.

1. The Scheme set out in the Schedule hereto shall be and the same is hereby confirmed.

2. This Act may be cited as the London Government Scheme (London and Middlesex Adjustment) Confirmation Act 1905.

SCHEDULE.

SCHEME MADE UNDER THE LONDON GOVERNMENT ACT 1899.

[Preamble recites (inter alia) s. 18 of 62 & 63 Vict. c. 14 (in this Scheme referred to as "the Act") and the London (South Hornsey) Order in Council 1900, by which the urban district of South Hornsey, consisting of the parish of South Hornsey in the county of Middlesex ceased as from the commencement of that Order to form part of that county and became part of the county of London; and that the parish of South Hornsey when in the county of Middlesex formed part of the Edmonton Poor Law Union; and that the area of the urban district of South Hornsey continues to form part of the Hornsey Division of the Parliamentary County of Middlesex; and that by virtue of s. 18 of the Act and of the London (Clerkenwell Detached) Order in Council 1900 a detached part of the parish of St. James and St. John, Clerkenwell, in the county of London (in this Scheme referred to as Clerkenwell detached) ceased as from the commencement of that Order to form part of that county and became part of the county of Middlesex, and was annexed to the parish of Hornsey, a parish comprised in the Edmonton Poor Law Union, but continues to form part of the Central Division of the Parliamentary Borough of Finsbury; and recites that by s. 15 of the Act it is enacted that it shall be lawful for His Majesty in Council to refer to a Committee of the Privy Council the appointment of Commissioners to prepare such schemes as are required for carrying the Act into effect, and that the Committee may settle the schemes so prepared; and recites s. 16 of the Act; and that by s. 5 of the London (Financial Arrangements) Scheme 1900 it is provided that where any adjustment (other than such an adjustment as is in that section mentioned) is required for the purposes of the Act or of any Order or Scheme or other thing made or done under the Act the authorities interested may within the period therein mentioned make agreements for the purpose, and may thereby adjust any property, income, debts, liabilities, and expenses, so far as affected by the Act or any such Order, Scheme, or thing of the parties to the agreement or of their predecessors, and that any such agreement may provide for the transfer or retention of any property, debts, or liabilities with or without any conditions and for payment by any party to the agreement in respect of property, debts, or liabilities so transferred or retained, and that either by way of an annual payment, or by way of a capital sum or of a terminable annuity, and that any such agreement shall be valid only if and so far as it is confirmed by a Scheme under the Act, and that any such Scheme may confirm the agreement either with or without modifications, and that in default of an agreement being so made and confirmed, and so far as any such agreement does not extend such adjustment (if any) as may be deemed by the Commissioners to be required between the authorities shall be settled by a Scheme under the Act; and that the County Council of London and the County Council of Middlesex have agreed that—

(a) as respects the transfer of South Hornsey from Middlesex to London the County Council of London shall make to the County Council of Middlesex the payments specified in Part I. of the First Schedule to this Scheme, and the County Council of Middlesex shall make to the County Council of London the payment specified in Part II. of that Schedule; and (b) as respects the transfer of Clerkenwell detached from London to Middlesex the County Council of Middlesex shall make to the County Council of London the payments specified in Part I. of the Second Schedule to this Scheme, and the County Council of London shall make to the County Council of Middlesex the payment specified in Part II. of that Schedule; but save as aforesaid no agreement for adjustment has been arrived at between the said Councils; and that the Commissioners appointed by the said Committee of the Privy Council deem that in addition to the payments to be made in accordance with the said agreement such adjustment as is herein-after mentioned is required between the County Council of London and the County Council of Middlesex; and that the Commissioners appointed by the said Committee of the Privy Council have prepared a Scheme containing the provisions hereinafter set forth.]

1. The said agreement is hereby confirmed and the County Council of London shall make to the County Council of Middlesex the payments specified in Part I. of the First Schedule and Part II. of the Second Schedule to this Scheme and the County Council of Middlesex shall make to the County Council of London the payments specified in Part II. of the First Schedule and Part I. of the Second Schedule to this Scheme. Confirmation of agreement.

2.—(1) In addition to the above-mentioned payments the County Council of London shall pay to the County Council of Middlesex— Additional payments by way of adjustment.

(a) in respect of the transfer of the parish of South Hornsey from Middlesex to London a part of the expenses of the County Council of Middlesex with respect to the registration of electors of that county which have been incurred and paid since the eighth day of November nineteen hundred or which may hereafter be paid by that Council such part to be calculated as nearly as may be in the proportion which the number of electors registered in respect of qualifying premises situate in the area formerly comprised in the urban district of South Hornsey in each year bore or bears to the total number of electors of the Hornsey Division of the Parliamentary County of Middlesex in that year so long as that area continues to form part of that division; and

(b) in respect of the transfer of Clerkenwell detached from London to Middlesex—

(i) an annual sum of sixty pounds commencing as from the first day of April nineteen hundred and one on account of the sums which have been received by or may hereafter be paid to the County Council of London under the Local Government Act 1888 the Finance Act 1894 and the Customs and Inland Revenue Act 1890 out of estate duty and customs and excise duties so long as such sums continue payable; and

(ii) a capital sum of one hundred and twenty pounds on account of the tramway undertaking of the County Council of London.

(2) In addition to the above-mentioned payments the County Council of Middlesex shall pay to the County Council of London—

(a) in respect of the transfer of the parish of South Hornsey from Middlesex to London the annual sum of two thousand and forty-nine pounds commencing as from the first day of April nineteen hundred and one on account of the sums which have been received by or which may hereafter be paid to the County Council of Middlesex under the Local Government Act 1888 the Finance Act 1894 and the Customs and Inland Revenue Act 1890 out of estate duty and customs and excise duties so long as those sums continue payable; and

(b) in respect of the transfer of Clerkenwell detached from London to Middlesex a part of the expenses of the County Council of London with respect to the registration of electors of the Parliamentary Borough of Finsbury which have been incurred and paid since the eighth day of November nineteen hundred or which may hereafter be paid by that Council such part to be calculated as nearly as may be in the proportion which the number of electors registered in respect of qualifying premises situate in the area of Clerkenwell detached in each year bore or bears to the total number of electors of that borough in that year so long as that area continues to form part of that borough.

Certificate
under
51 & 52 Vict.
c. 41. s. 26 (1).

3.—(1) Notwithstanding anything in the certificate of the Local Government Board dated the eleventh day of September eighteen hundred and eighty-nine under subsection (1) of section twenty-six of the Local Government Act 1888 with reference to the expenditure of the Guardians of the Edmonton Union on the salaries remuneration and superannuation allowances of the officers of the union (other than teachers in Poor Law schools) and on drugs and medical appliances the sum of seven thousand eight hundred and seventy-four pounds shall be and shall as from the first day of April nineteen hundred and one be deemed to have been substituted for the sum of eight thousand three hundred and seventy-one pounds as the annual amount to be granted to the said guardians in respect of expenditure on the matters aforesaid.

(2) For the purpose of giving effect to the foregoing provision so far as it relates to the financial years ending before the confirmation of this Scheme the council of any county by which any part of the sum mentioned in the said certificate is payable to the guardians of the Edmonton Union shall be entitled out of the payments due by the council to the said guardians under the said certificate in respect of each of the five financial years ending after the confirmation of this Scheme to deduct and retain for their own use one fifth of the total amount by which the sums actually paid by the council to the said guardians under the said certificate exceeds the amount which would have been paid by the council to the said guardians had the sum of seven thousand eight hundred and seventy-four pounds been substituted for the sum of eight thousand three hundred and seventy-one pounds in that certificate.

Date of
payment.

4.—(1) Subject to any agreement to the contrary between the County Council of London and the County Council of Middlesex any payment from one such Council to the other which under this Scheme is payable in respect of a period subsequent to the confirmation of this Scheme shall be made within two months after the expiration of the financial year in which it accrues due and every other payment under this Scheme from one such Council to the other shall be made within two months after the confirmation of this Scheme.

(2) Where a continuing payment is by virtue of this Scheme payable as from a date preceding the confirmation of this Scheme the sums payable in respect of any period before that confirmation shall be deemed to be capital sums.

Term for re-
payment of
capital sums.

5. If the County Council of London or the County Council of Middlesex borrow for the purpose of paying any sum which by virtue of this Scheme is a capital sum the period within which the sum so borrowed shall be repaid shall be—

- (a) if the sum is a capital sum by virtue of section four of this Scheme five years from the date of borrowing; and
- (b) in any other case thirty years from the date of borrowing.

Short title
construction
and effect.

6.—(1) This scheme may be cited as the London and Middlesex (Adjustment) Scheme 1905.

(2) The Interpretation Act 1889* applies for the purpose of the interpretation of this Scheme as it applies to an Act of Parliament.

(3) This Scheme shall have effect subject to the provisions of any future Scheme made under the Act.

FIRST SCHEDULE.

PART I.

PAYMENTS AGREED TO BE MADE BY THE COUNTY COUNCIL OF LONDON TO
THE COUNTY COUNCIL OF MIDDLESEX IN RESPECT OF SOUTH HORNSEY.

(a) The capital sum of fourteen thousand three hundred and fifteen pounds on account of the share of the parish of South Hornsey in the capital liabilities and outstanding debts of the County Council of Middlesex on the ninth day of November nineteen hundred.

(b) One forty-sixth part of the cost of the maintenance as from the eighth day of November nineteen hundred of the twenty-eight pauper lunatics in asylums of the one hundred and ninety-nine inmates of reformatory and industrial schools and of the eight inmates of inebriate homes who were chargeable to the county rate of Middlesex on that day until such persons cease to be chargeable to the county rate of that county.

* See Appendix.

(c) One forty-sixth part of the sums which have been paid or which may hereafter be paid by the County Council of Middlesex for periods subsequent to the eighth day of November nineteen hundred in respect of the contributions of the County Council on account of the pensions awarded prior to the first day of April eighteen hundred and eighty-nine to officers of prisons and officers of Hanwell and Colney Hatch Asylums and Feltham School.

(d) One forty-sixth part of the sums which have been paid or which may hereafter be paid by the County Council of Middlesex for periods subsequent to the eighth day of November nineteen hundred in respect of their contribution towards the pensions which have been or may be awarded to officers of prisons after the first day of April eighteen hundred and eighty-nine.

(e) One forty-sixth part of the sums which have been paid or which may hereafter be paid by the County Council of Middlesex for periods subsequent to the eighth day of November nineteen hundred in respect of pensions awarded by them since the twenty-ninth day of June eighteen hundred and eighty-nine and prior to the ninth day of November nineteen hundred to officers and servants of the Wandsworth County Asylum.

(f) One forty-sixth part in the case of any pension which may have been granted since the eighth day of November nineteen hundred or may hereafter be granted by the County Council of Middlesex to an officer of the Wandsworth Asylum for services rendered partly before and partly after that day of such a sum as having regard to the full amount of the pension would have been payable by the County Council to such officer if such pension had been computed on his period of service prior to that day and on the amount of his salary or other remuneration on that day.

(g) One forty-sixth part of the sums which have been paid since the eighth day of November nineteen hundred or may hereafter be paid by the County Council of Middlesex in respect of the salaries of officers and other expenses of the Central Criminal Court subject to any future order of that Court re-apportioning the expenses.

(h) One forty-sixth part of the Middlesex proportion fixed by the award of the Commissioners under the Local Government Act 1888 of the sums which have been paid since the eighth day of November nineteen hundred or may hereafter be paid by the County Council of Middlesex in respect of the expenses of Seckford's Charity.

PART II.

PAYMENT AGREED TO BE MADE BY THE COUNTY COUNCIL OF MIDDLESEX TO THE COUNTY COUNCIL OF LONDON IN RESPECT OF SOUTH HORNSEY.

The capital sum of fifteen thousand and fourteen pounds on account of the share of the parish of South Hornsey on the ninth day of November nineteen hundred in the properties of the county of Middlesex other than the county bridge fund including proportion of cash balances and of county rate for the half year ending the thirty-first day of March nineteen hundred and one.

SECOND SCHEDULE.

PART I.

PAYMENTS AGREED TO BE MADE BY THE COUNTY COUNCIL OF MIDDLESEX TO THE COUNTY COUNCIL OF LONDON IN RESPECT OF CLERKENWELL DETACHED.

(a) The capital sum of seven hundred and fourteen pounds on account of the share of Clerkenwell detached in capital liabilities and outstanding debts of the County Council of London on the ninth day of November nineteen hundred.

(b) $\frac{5,855}{32,976,171}$ ths of the sums which have been paid since the eighth day of November nineteen hundred or may hereafter be paid by the County Council of London for periods subsequent to that day in respect of the contributions of that County Council on account of the pensions awarded prior to the first day of April eighteen hundred and eighty-nine to the prison officers and the officers of county asylums and Feltham School.

(c) $\frac{5,855}{32,976,171}$ ths of the cost of the maintenance as from the eighth day of November nineteen hundred of the hundred and three inmates of inebriate

homes who were chargeable to the county rate of London on that day until such persons cease to be chargeable to the county rate of that county.

(d) $\frac{5,855}{32,976,171}$ ths of the sums which have been paid or which may hereafter be paid by the County Council of London for periods subsequent to the eighth day of November nineteen hundred in respect of their contribution towards the pensions which have been or may be awarded to officers of prisons after the first day of April eighteen hundred and eighty-nine.

(e) $\frac{5,855}{31,562,188}$ ths of the sums which have been paid since the eighth day of November nineteen hundred or may hereafter be paid by the County Council of London in respect of the salaries of officers and other expenses of the Central Criminal Court subject to any future order of that Court re-apportioning the expenses.

(f) $\frac{5,855}{31,562,188}$ ths of the London proportion fixed by the award of the Commissioners under the Local Government Act 1888 of the sums which have been paid since the eighth day of November nineteen hundred or may hereafter be paid by the County Council of London in respect of Seckford's Charity.

PART II.

PAYMENT AGREED TO BE MADE BY THE COUNTY COUNCIL OF LONDON TO THE COUNTY COUNCIL OF MIDDLESEX IN RESPECT OF CLERKENWELL DETACHED.

The capital sum of seven hundred and forty-five pounds on account of the share of Clerkenwell detached on the ninth day of November nineteen hundred in properties of the county of London including cash balances and proportion of county rate for the half year ending the thirty-first day of March nineteen hundred and one but exclusive of the tramway undertaking of the County Council of London.

CHAPTER CCIII.

AN ACT TO AUTHORISE THE URBAN DISTRICT COUNCIL OF ACTON TO CONSTRUCT AND MAINTAIN SEWERAGE AND SEWAGE OUTFALL WORKS AND TO MAKE FURTHER PROVISION FOR THE ADMISSION OF SEWAGE INTO THE METROPOLITAN MAIN DRAINAGE SYSTEM FROM THE URBAN DISTRICT OF ACTON AND FOR OTHER PURPOSES.

[11th August 1905.]

[Preamble recites (inter alia) that the urban district of Acton in the county of Middlesex (herein-after called "the district") is under the local government of the Urban District Council of Acton (herein-after called "the Council"); and refers to the Local Government Board's Provisional Orders (Confirmation (Acton etc.) Act 1881; and recites that the Local Board of Acton constructed the works authorised by the said Act of 1881, and under the powers of the Public Health Act 1875 constructed an outfall sewer for the purpose of discharging the purified effluent commencing at their works aforesaid and terminating in the bed of the River Thames at a point in the parish of Chiswick adjoining the north-eastern end of the island known as Chiswick Eyot; and that by the Local Government Act 1894 the rights, powers, and duties of the said Local Board of Acton were transferred to and vested in the Council; and recites that owing to the increase of houses and population, which are still growing rapidly, the outfall sewer has become inadequate for the present and future needs of the district; and that prior to the passing of 18 & 19 Vict. c. 120 the sewage and drainage from all houses then existing in the part of the parish of Acton other than the part herein-before recited entered

a certain sewer or brook known as the Stamford Brook (east branch and west branch) which passed through the parish of Acton and then through the parishes of Fulham and Hammersmith and ultimately discharged into the River Thames; and that with the object of preventing sewage within the metropolis from passing into the River Thames the said Stamford Brook sewer to the extent mentioned therein was by 18 & 19 Vict. c. 120 with other sewers vested in the Metropolitan Board of Works, and by the said Board was diverted from the said river and connected with the sewer of the metropolitan main drainage system, and thereby the whole natural flow of the said brook and the sewage and drainage of the houses in the said part of the parish of Acton were caused to flow into the system of main intercepting sewers and outfall works and works for the treatment and disposal of the sewage of the metropolis constructed under the powers of the said Act and other Acts amending the same, and the said Stamford Brook sewer and the said intercepting sewers and outfall works and works were subsequently transferred from the said Board to and vested in the London County Council (herein-after called "the London Council"); and that at the time of the diversion of the said Stamford Brook sewer as aforesaid the number of houses and the population draining therein were comparatively small, but owing to the rapid increase thereof the expense of dealing with and disposing of sewage and drainage coming from the parish of Acton increased and the said parish did not contribute to the maintenance of the main drainage system of the metropolis or the disposal of the sewage therefrom, and disputes and litigation arose and ensued between the said Local Board or the Council on the one hand and the said Metropolitan Board or the London Council on the other, and further recites 61 & 62 Vict. c. cxliii.; and that the population of the district is rapidly increasing and great difficulties exist in conveying away and disposing of the sewage therefrom, but the sewers and works of the metropolitan main drainage system situate in the county of London adjoining the district could and ought to be utilised for that purpose, and therefore it is expedient that the London Council should be required and authorised to receive, deal with, and dispose of sewage from the portion of the district which now they are not required to do, and to do all things requisite therefor as by this Act provided; and that it is expedient that the London Council should be relieved from the obligation to dispose of the flood water of the district flowing into the Stamford Brook sewer (east branch and west branch), and that the same should be discharged into the River Thames by means of the sewer constructed under the authority of this Act.]

1. This Act may be cited as the Acton Sewage Act 1905.

Short title.

2. [Incorporation of the Lands Clauses Acts and the Railways Clauses Consolidation Act 1845.]

3. In this Act unless the subject or context otherwise requires words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act or by the Public Health Acts have the same respective meanings: Interpretation.

"The district" means the urban district of Acton;

"The Council" means the Urban District Council of the district;

"The London Council" means the London County Council;

"The Act of 1898" means the London County Council (Acton Sewage) Act 1898.

[Parts omitted (definitions of "the district fund," "the clerk," "statutory security," and as to the meaning of certain words in the Railways Clauses Consolidation Act 1845 incorporated) do not apply to London.]

Power to
make sewer
and outfall
works.

4. Subject to the provisions of this Act the Council may make maintain and work in and according to the lines situations and levels shown on the deposited plans and sections the sewer and sewer outfall works herein-after described together with all necessary and proper intakes outfalls overflows sewers drains channels weirs sluices junctions syphons engines pumps boilers machinery shafts tanks reservoirs manholes works buildings storage and subsidiary sewers and conveniences connected therewith (that is to say):—

A sewer commencing in the parish of Acton in the administrative county of Middlesex at or near the western extremity of the sewage disposal works of the Council at a point adjoining the disused level crossing at the west end of the private road leading from the public road known as Warple Way and terminating in the bed or channel of the River Thames at a point about X feet or thereabouts measured in a south-westerly direction from the southern terminus of the Council's existing sewer.

The sewer and works above described will be situate partly in the parishes and urban districts of Acton and Chiswick in the county of Middlesex and partly in the parish and metropolitan borough of Hammersmith in the administrative county of London:

Provided that so much of the sewer as is shown upon the deposited plans as lying between the junction of Netheravon Road with High Road Chiswick and the point in the River Thames herein-before described shall be diverted so as to be constructed in the lines and situations shown on the plan signed by the Right Honourable the Earl of Onslow Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one copy of which plan has been deposited in the office of the Clerk of the Parliaments and the other copy in the Private Bill Office of the House of Commons in lieu of and in substitution for the lines and situations of the sewer between the points aforesaid shown on the deposited plans.

5. *[Confirmation of an agreement between the Council and the Ecclesiastical Commissioners.]*

6. *[Provision for the protection of Parr's Bank Limited.]*

7—9. *[Power to the Council to make general works and to deviate—As to the alterations of gas and water pipes, etc.]*

Power to di-
vert streams
intercepted
by authorised
works.

10. The Council may divert all brooks streams and waters which can or may be intercepted or taken by the sewer authorised by this Act and the Council may by means of such sewer discharge or permit to flow into the River Thames the waters so intercepted or taken together with any waters passing over or through the lands to be acquired by the Council:

Provided that nothing in this section shall authorise the Council to construct any works or do any other thing in contravention of

the Rivers Pollution Prevention Act 1876 or section 17 * of the Public Health Act 1875 :

Provided that the Council shall pay compensation to any person for any damage sustained by reason of the exercise of the powers of this section the amount of such compensation failing agreement to be settled by arbitration under the Arbitration Act 1889 :

Provided always that the powers of this section shall not be exercised in connexion with any brook stream water or watercourses over which the County Council of Middlesex have jurisdiction or control without the consent in writing of that County Council.

11—14. [*Power to the Council to break up roads and streets, to temporarily stop up streets, to underpin or otherwise strengthen houses near works—Period for the completion of works limited to 5 years.*]

15. The sewer and works constructed and the lands acquired therefor under the provisions of this Act shall notwithstanding some part thereof may lie without the district be and remain exclusively vested in the Council to the exclusion of any other authority in whom the same might otherwise be or become vested but the Council may at any time after the construction of the sewer aforesaid by agreement with the London Council vest the said sewer and outfall or any part thereof in the London Council upon such terms as may be agreed or as shall be settled by arbitration.

Sewer to be vested in Council.

16—20. [*For the protection of the Conservators of the River Thames, the Metropolitan Water Board, the London & South Western Railway Company, the London United Tramways (1901) Limited, and the North & South Western Junction Railway Company and its lessees, the London & North Western, Midland, and North London Railway Companies.*]

21. Subject to the provisions of the section of this Act whereof the marginal note is "For protection of Chiswick Urban District Council" the Council shall forthwith after the construction of the sewer and sewer outfall authorised by this Act discharge storm water therefrom into the River Thames and shall thenceforth discontinue to discharge or allow to be discharged storm water into any sewer or sewers of the London Council.

Discharge of storm water into River Thames.

22. In exercising any of their powers in respect of the sewer and sewer outfall to be constructed and maintained under this Act the Council may use the existing sewer or any part thereof and may for that purpose alter enlarge or reconstruct any portion of such existing sewer and the portion or portions thereof so altered enlarged or reconstructed shall for all purposes be deemed to be part of the sewer and outfall works by this Act authorised.

Council may enlarge or alter existing sewer.

23. [*For the protection of the County Council of Middlesex.*]

24—31. [*Power to the Council to take lands—Period for the compulsory purchase of lands limited to 5 years—As to errors and omissions in plans—Enabling the Council to take parts only of the properties mentioned in the First Schedule, to take easements, to purchase additional lands (not exceeding 5 acres) by agreement, to retain, sell, lease, or exchange lands acquired under this Act—As to proceeds of the sale of any lands so acquired.*]

32. The Council shall compensate the Chiswick Urban District Council and any owner or ratepayer in the said district who may suffer any damage by reason of the bursting of the sewer authorised

Compensation for bursting of sewers.

* See Appendix.

by this Act or of the existing sewer if the same shall be enlarged and any question which arises as to any claim for such compensation shall failing agreement be settled in manner provided for the settlement of disputes as to compensation under the Public Health Act 1875.

Admission of
sewage of
district into
sewers of
London
Council.

33. The following provisions shall unless otherwise agreed in writing between the Council and the London Council apply and have effect with respect to the reception dealing with and disposal of the sewage of the district by the London Council (that is to say):—

- (1) From and after the completion of the sewer and sewer outfall by this Act authorised the Council shall subject to the provisions of this section have the right from time to time to connect the sewers of the district (in this section called “the district sewers”) with and to discharge sewage and drainage into the sewers belonging to the London Council (in this section called “the London sewers”) and the London Council shall receive such sewage and drainage into the metropolitan main drainage system for disposal and treatment at their outfall works:
- (2) The maximum quantity of sewage and drainage which shall be discharged into the London sewers from the district sewers as aforesaid shall not exceed one-half of the total daily dry weather flow of the sewage and drainage of the district within a period of six hours such daily dry weather flow being calculated at the rate of fifty gallons per head of the approximate population for the time being of the district and shall in no event exceed fifty gallons per head of such approximate population in any day and in the event of the Council and the London Council being unable at any time to agree as to the number of persons forming the approximate population such number shall be determined by an arbitrator to be agreed upon or failing agreement to be appointed at the request of the Council or the London Council by the Local Government Board whose decision shall be final:
- (3) The district sewers shall be connected with the London sewers at such convenient points as the chief engineer of the London Council may reasonably require and so far as the same will involve any interference with the London sewers the necessary works shall be executed in accordance with plans sections and specifications to be previously submitted to and approved by the said chief engineer who shall have the right at all times to inspect all the said works:
- (4) After the connexion of the district sewers with the London sewers as aforesaid and the discharge of sewage and drainage therefrom into the London sewers the Council shall be free from any further obligation or liability for the disposal of such sewage and drainage or in connexion therewith but nothing in this section contained shall impose upon the London Council any responsibility for the internal drainage of any part of the district or render them in any wise responsible for the discharge by the Council of storm water or any matter or thing into the River Thames:

- (5) The Council shall in respect of each year ending the thirty-first day of March during which the London Council shall receive the sewage and drainage of the district pay to the London Council for receiving conveying and disposing of such sewage and drainage as by this section provided such a sum as would be produced by a rate levied on all property in the district assessed upon the Middlesex county rate basis and exceeding by three farthings in the pound the proportion of the county rate levied by the London Council during such year and applied for purposes of or connected with the metropolitan main drainage system and the sums to be paid by the Council to the London Council under this section shall be payable half-yearly as herein-after provided the first of such payments or a proportionate part thereof to be made in respect of the half-year ending the thirtieth day of September or the thirty-first day of March as the case may be next following the date upon which sewage or drainage is first received into the London sewers from the district sewers under the provisions of this section Provided that it shall be lawful for the Council and the London Council from time to time to agree for the payment by the Council of a fixed annual sum in lieu of such half-yearly payments as aforesaid :
- (6) The London Council shall by notice in writing as soon as reasonably practicable inform the Council of the amount of the contribution which will be required from the Council in respect of each half-year ending the thirtieth day of September and the thirty-first day of March in every year and the Council shall on the date named in such notices respectively pay to the London Council the amount of the contribution in respect of that half-year as stated in the notice :
- (7) The Council shall forthwith after the passing of this Act furnish to the London Council a properly certified copy of the valuation list for the purpose of the rate for the relief of the poor in force within the district and shall also furnish to the London Council from time to time when required by them a certified copy of the said valuation list as from time to time in force and of every addition to or alteration made in the said valuation list :
- (8) Where any moneys due and payable under this Act by the Council to the London Council remain unpaid for a period of six months after they become due in addition to any other remedy in that behalf the London Council may empower persons appointed by them for that purpose to raise by means of a rate levied on the district having the like incidents and consequences as and to be assessed upon the like property and to be made levied and collected in the like manner and with the like powers and authorities as any rate leviable by the Council for the purposes of this Act such sum (the amount to be specified in the precept) as will be sufficient to produce the unpaid amount with interest thereon from the date on which the same became due and all expenses incurred in the non-payment thereof and the expenses of levying and collecting such

rate and any person so empowered by the London Council shall have the like powers of assessing making levying and collecting rates and of issuing precepts and of requiring officers of the Council to account as the Council would have under any Act or otherwise :

- (9) For the purposes of this section the provisions of Part IV. of the London County Council (General Powers) Act 1894 "Protection of sewers" shall extend and apply as if for the purpose of those provisions the district were within the administrative county of London and the Council were a metropolitan borough council :
- (10) Any payments required to be made by the Council to the London Council under this section shall be deemed to be expenses incurred by the Council in the execution of the Public Health Act 1875 and the amount thereof shall be charged on and defrayed out of the district fund and general district rate in accordance with the said Act :
- (11) The Council shall in addition to the annual sum hereinbefore provided also pay to the London Council the sum of twenty-seven thousand five hundred pounds as an agreed contribution towards money borrowed by the Metropolitan Board of Works or the London Council for the purposes of or connected with the metropolitan main drainage system and repaid prior to the discharge of sewage and drainage under the provisions of this section into the London sewers and such sum shall be paid within three calendar months after the completion of the sewer and sewer outfall authorised by this Act. Moneys so received by the London Council shall be paid into the Consolidated Loans Fund :

If and so far as it may be necessary so to do the Council may in manner provided by the Public Health Act 1875 and without obtaining the sanction of the Local Government Board borrow in addition to all other moneys authorised by this Act any moneys required to be paid to the London Council under this subsection as if the same were for purposes within the meaning of the Public Health Act 1875 and in calculating the sums which the Council may borrow under the provisions of any other enactment any sums they may borrow under this subsection shall not be reckoned :

- (12) In case default be made in the payment of any sum payable under this Act by the Council the same shall be deemed to be a debt due from the Council to the London Council with interest at the rate of three per centum per annum from the date at which such payment became due :
- (13) The London Council shall within three months of the date of the certificate of the engineer of the Council that the sewer and sewer outfall authorised by this Act have been completed and within three months of the diversion thereby of the storm water of the district from the London sewers pay to the Council the sum of twenty-seven thousand five hundred pounds and if the London Council make default in the payment of the said sum the same

shall be deemed to be a debt due from the London Council to the Council with interest at the rate of three per centum per annum from the date at which such payment became due and the Council may proceed to recover the same from the London Council :

All moneys received by the Council under the provisions of this subsection shall be applied in repayment of any moneys borrowed by them pursuant to subsection (10) and moneys paid to the Council by the London Council shall be deemed to be payments made by the London Council as for general county purposes within the meaning of the Local Government Act 1888 :

- (14) In order to raise or provide the money required by the London Council for the purposes of this Act the London Council may from time to time create and issue consolidated stock or resort to the Consolidated Loans Fund or otherwise raise money in accordance with the provisions of the Acts for the time being in force regulating the raising of money for capital purposes by the London Council :

Provided that nothing in this Act shall authorise the borrowing and expenditure of money on capital account by the London Council after the thirtieth day of September one thousand nine hundred and six :

The London Council in accordance with the provisions in relation to redemption and repayment of the Acts relating to the raising and expenditure of money by the London Council on capital account shall make provision for the redemption of stock or the repayment of money borrowed or expended on capital account for the purposes of this Act within such term not exceeding in any case sixty years as the London Council with the consent of the Treasury may determine.

34. The Council shall not except with the consent of the London Council or except in cases of emergency discharge or allow to be discharged any condensing water or water used for condensing purposes into any of the sewers of the London Council or into any pipe conduit or drain directly or indirectly communicating therewith.

Restriction on discharge of condensing water into sewers.

35. It shall be lawful for the London Council at any time to enter upon and inspect any sewage works sewers and drains within the district for the purpose of ascertaining whether any default in compliance with this Act is being committed and the London Council may for that purpose break up or open any street within the district reinstating the same at their own expense to the satisfaction of the engineer of the Council as soon as may be after such inspection :

Power of inspection and entry by London Council.

Provided always that before the London Council exercise any power of entry under this section they shall give to the Council notice of their intention to do so specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the opening of any street and such work shall be done at the expense of the London Council under the superintendence of the Council unless the Council refuse or neglect to give such superintendence at the time specified in the notice for the commencement of such work or discontinue the same during the execution of such work and the London Council shall execute

such work to the reasonable satisfaction of the engineer of the Council.

If any difference arise between the London Council or their engineer and the Council or their engineer as to the reasonableness or otherwise of breaking up or opening such streets or touching the amount of any costs expenses or charges under the provisions of this section to be paid by the London Council to the Council or touching any work matter or thing to be done or executed by the London Council or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon as arbitrator by the engineers of the two Councils or failing agreement to be named by the President for the time being of the Institution of Civil Engineers.

36. [*For the protection of the Chiswick Urban District Council.*]

37—48. [*Power to the Council to borrow and provisions relating thereto.*]

Expenses of execution of Act.

49. All expenses incurred by the Council in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate.

Application of section 265 of Public Health Act 1875.

50. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 * shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

Power to Local Government Board to direct inquiries.

51. The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875 :

Provided that nothing in this section shall authorise inquiries in regard to the sewers works powers rights privileges and liabilities of the London Council.

Payment of expenses of Local Government Board.

The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Authentication and service of notices etc.

52.—(1) Where any notice or demand under this Act requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

(2) Notices orders and other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 * of that Act authorised to be served. Provided that in the case of any company any such notice order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

53—54. [*Provisions relating to compensation to be paid by the Council in respect of lands taken under this Act.*]

* See Appendix.

55. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being a member of the Council or liable to any rate. Judges not disqualified.

56. [*As to the expenses of obtaining this Act.*]

FIRST SCHEDULE. [*Description of properties of which portions only may be taken.*]

SECOND SCHEDULE. [*An agreement made on the 25th May 1905 between the Ecclesiastical Commissioners for England of the one part and the Urban District Council of Acton of the other part.*]

CHAPTER CCVI.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO EXECUTE WORKS AND TO ACQUIRE LANDS AND UTILISE OTHER LANDS TO AUTHORISE THE EXTENSION OF HAMPSTEAD HEATH AND THE EXCHANGE OF LANDS IN CONNECTION WITH PARKS COMMONS AND OPEN SPACES TO EXTEND THE TIME FOR THE COMPLETION OF CERTAIN AUTHORISED WORKS TO PROVIDE FOR THE REGISTRATION OF EMPLOYMENT AGENCIES TO CONFER FURTHER POWERS UPON THE COUNCIL OF THE METROPOLITAN BOROUGH OF BATTERSEA WITH RESPECT TO LATCHMERE ALLOTMENTS TO PROVIDE FOR CONTRIBUTIONS BY THE COUNCILS OF METROPOLITAN BOROUGHES TO EXPENDITURE BY THE LONDON COUNTY COUNCIL AND FOR OTHER PURPOSES. [11th August 1905.]

[*Preamble.*]

PART I.

INTRODUCTORY.

1. This Act may be cited as the London County Council (General Powers) Act 1905. Short title.

2. This Act is divided into parts as follows :—

Part I.—Introductory.

Part II.—Works.

Part III.—Purchase of Lands by Council.

Part IV.—General Powers as to Lands.

Part V.—Hampstead Heath Extension.

Part VI.—Exchange of Lands in connection with Public Open Spaces.

Part VII.—Rectification of Boundaries of Eltham Park.

Part VIII.—Exchange of Lands at Plumstead Common.

Part IX.—Lands for Training College for Teachers.

Part X.—Extension of Time.

Part XI.—Employment Agencies.

Part XII.—Latchmere Allotments.

Part XIII.—Miscellaneous and Financial Provisions.

3. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :— Interpretation

“The Council” means the London County Council :

“The county” means the administrative county of London :

“The improvement” means the reconstruction of Victory Bridge (Ben Jonson Road) and the works connected therewith by this Act authorised ;

Division of
Act into
parts.

“The School Board” means the late School Board for London ;

“Open space” means any park common heath garden walk recreation ground pleasure ground or open space vested in or under the control and management of the Council ;

And the several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction.

Incorporation of
general Acts.

4. The Lands Clauses Acts are (except sections 127 and 133 of the Lands Clauses Consolidation Act 1845 and except where inconsistent with or expressly varied by this Act) incorporated with and form part of this Act :

Provided that the expressions “the promoters of the undertaking” and “the company” in the Lands Clauses Acts shall be construed to mean the Council and that notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 any claim for compensation under this Act or any Act incorporated herewith by any person having or in respect of any interest in the lands in respect of which compensation is claimed not greater than that of a lessee or tenant for any term of which not more than eighteen months remain unexpired at the time when the claim is made shall be determined by justices in the manner provided by section 121 of that Act.

PART II.

WORKS.

Power to
Council to
make works.

5. Subject to the provisions of this Act in the lines or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the Council may execute the improvement and works in the county herein-after described viz. :—

Reconstruction of Victory Bridge (Ben Jonson Road).

They may take down and remove the bridge known as Victory Bridge carrying Ben Jonson Road over the Regent's Canal in the hamlet of Mile End Old Town in the metropolitan borough of Stepney and construct a new bridge on or near the site of the said bridge and approaches to such new bridge commencing on the western side in Ben Jonson Road near the junction therewith of Carr Street and terminating on the eastern side as regards the northernmost of the eastern approaches in Canal Road and Copperfield Road or one of them near the junction of those roads and as regards the southernmost thereof in Rhodeswell Road near the junction therewith of Contts Road.

Power to
use lands
temporarily.

6. The Council may in connection with the improvement enter upon take and use temporarily all or such part of the lands shown on the deposited plans as may be necessary and construct and do all such works and things whether upon such lands or otherwise as may be found necessary or desirable :

Provided that unless otherwise agreed in writing between the Council and the Regent's Canal and Dock Company nothing in this Act shall authorise the alteration of the said bridge over the Regent's Canal known as Victory Bridge otherwise than in such manner as shall be agreed between Maurice Fitzmaurice on behalf

of the Council and John Glass on behalf of the Regent's Canal and Dock Company or the entry upon or taking of any lands or works of that Company except so far as may be necessary for the purposes of making the said alteration in manner agreed as aforesaid.

7. The Council on the one hand and the Regent's Canal and Dock Company on the other hand may enter into and carry into effect any agreements with respect to the improvement and the works connected therewith or any of them.

Agreements with Regent's Canal and Dock Company.

8.—(1) Subject to the provisions of this Act the Council for the purposes and during the making of the improvement may in or upon the lands shown in connection therewith upon the deposited plans stop up or cause to be stopped up temporarily all or any part of any carriage-way or footway which they shall think necessary to be stopped up and may put or cause to be put up sufficient palisades hoardings bars posts and other erections and may construct temporary works for keeping any such carriage-way and footway open for traffic and may make from time to time such orders for regulating the traffic as to them shall seem proper and may remove and alter any drinking-troughs lamp-posts and other erections upon the said lands.

Power to stop up ways temporarily.

(2) The Council shall provide reasonable access for all persons bona fide going to or returning from any house in any street of which the carriageway or footway is stopped up under the powers of this section.

9. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Council in connection with and for the purposes of this Act and as part of the works to be executed under the powers of this Act may execute or do any of the following works or things viz. :—

Power to make subsidiary works stop up streets etc.

They may—

- (A) Make junctions and communications with any existing streets intersected or interfered with by or contiguous to the improvement and may divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with the improvement ;
- (B) Relay and alter the line or alter the level of any tramway in or along any street to be widened raised or lowered under the powers of this Act and provide during such relaying and alteration any temporary line or lines of tramway which may be necessary for continuing the traffic on any tramway to be so relaid or altered ;
- (C) Stop up any street or passage within the limits of deviation shown on the deposited plans which they may consider unnecessary to retain or to throw into the improvement and may alter and divert any street or passage within the same limits ;
- (D) Appropriate the site and soil of any street or passage so stopped up or diverted ;
- (E) Execute any works for the protection of any adjoining land or buildings ;
- (F) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings ; and

- (g) Raise lower alter and interfere with any drain or sewer providing a proper substitute before interrupting the flow of sewage in any such drain or sewer.

The site and soil of any street or passage or any part of any street or passage stopped up or diverted and appropriated by the Council under this Act shall vest in the Council and all rights of way or other rights over the same shall thereupon be extinguished and the lamp-posts paving metalling or materials in or under any street so altered diverted or stopped up and any materials of any drain or sewer so altered shall vest in the Council and all substituted drains and sewers shall be under the same jurisdiction care management and direction as the existing drains and sewers for which they may be so substituted :

Provided that the Council shall make full compensation to all parties interested in respect of any private rights extinguished under or by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Alteration of position of water gas and other pipes.

10. The Council may for any purpose in connection with the improvement upon the lands acquired by them under the powers of this Act and also in any street within the limits of deviation defined on the deposited plans raise sink or otherwise alter the position of any watercourse water pipe or gas pipe belonging to or connected with any house or building and also any main pipe or apparatus laid down or used by the Metropolitan Water Board or any company or person for carrying a supply of water or water for hydraulic power or gas and also any pipe tube wire or apparatus laid down or placed for telegraphic or other purposes and any pipe tube wire or apparatus laid down or placed for supplying electricity and may remove any other obstruction making proper substituted works during any alteration and causing as little detriment and inconvenience as circumstances admit to the said Board or to any company or person and making reasonable compensation to the said Board or to any company or person for any damage caused by any such alteration. Provided always that before the Council alter the position of any main pipe or apparatus laid down or used by the said Board or by any such company or person they shall (except in cases of emergency) give to the Board company or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the work for effecting such alteration and such work shall be done under the superintendence (at the expense of the Council) of the Board company or person to whom such main pipe or apparatus belongs unless such Board company or person refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the execution of such work and the Council shall execute such work to the reasonable satisfaction of the engineer of such Board company or person. Provided also that the Council shall not cause any street to be lowered or raised nor the position of any water or gas main or other pipe to be altered so as to leave over such main pipe or apparatus in any part a covering of less than two feet where the covering now existing is not less than two feet unless the Council shall in such case protect such main pipe or apparatus from frost or injury by artificial covering to the satisfaction of the engineer of such Board company

or person or more than six feet where the covering now existing does not exceed six feet or more than such existing covering where the same exceeds six feet unless the Council in such case provide special means of access to the same to the satisfaction of the engineer of such Board company or person.

If any difference arise between the Council or their chief engineer and any such Board company or person or their or his engineer touching the amount of any costs expenses or charges under the provisions of this section to be paid by the Council to any such Board company or person or touching any work matter or thing with reference to such mains or other pipes under such provisions to be done or executed by the Council or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon by the chief engineer of the Council and the engineer of any such Board company or person respectively or failing agreement by such engineer as shall on the application of the engineer either of the Council or of any such Board company or person be named by the President of the Institution of Civil Engineers :

Provided also that the Council shall not raise sink or otherwise alter the position of any pipe tube wire or apparatus laid down for telegraphic or other purposes and belonging to the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 :

Provided always that nothing in this section shall extend to prejudice or affect any of the provisions for the protection of any undertakers authorised to supply electrical energy contained in any special Act or any Provisional Order confirmed by Act of Parliament.

11. If within seven days after a notice under the preceding section of this Act shall have been served upon the Metropolitan Water Board or any gas company that Board or company so elect such Board or company shall themselves execute all such alterations to their mains and pipes as may from time to time be necessary and the reasonable costs of executing such alterations shall be repaid by the Council to such Board or company. Provided always that such alterations shall be carried out in accordance with the directions and to the reasonable satisfaction of the chief engineer of the Council.

For protection of Metropolitan Water Board and gas companies.

12. And whereas in order to avoid in the execution and maintenance of the improvement injury to the houses and buildings within one hundred feet of the bridge to be reconstructed under the powers of this part of this Act it may be necessary to underpin or otherwise strengthen such houses and buildings. Therefore the Council at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

Underpinning of houses near bridge.

(1) At least ten days' notice shall unless in cases of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :

(2) Each such notice if given by the Council shall be served in manner prescribed by section 19 of the Lands Clauses

Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the office of the Council :

- (3) If any owner lessee or occupier of any such house or building or the Council as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the Board of Trade :
- (4) The arbitrator shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Council may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The Council shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Council such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution of the improvement then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Council shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :
- (7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Council from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :
- (8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts :
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

13. When the improvement is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the

Improve-
ment to form
public street.
Repair etc.

date of such certificate so much of the improvement as shall have been laid out for carriage-way or footway shall form part of the street and may be used by the public accordingly. Subject to the provisions of this Act so much of the land acquired by the Council for the purposes of the improvement as is thrown into and used for the carriage-way or footway of any street shall (subject to the enjoyment by the Council of the Metropolitan Borough of Stepney of all such rights in such lands as are usually enjoyed in respect of a street by the road authority of the district) be and remain vested in the Council but the maintenance repair paving cleansing and lighting of the improvement shall be under the care management control and jurisdiction of the Council of the said metropolitan borough in the same manner as other streets in that borough.

14. The sections of the London County Council (General Powers) Act 1901 of which the numbers and marginal notes are set forth in the first part of the Second Schedule to this Act are hereby incorporated with and form part of this Act and shall extend and apply to the improvement and to the Council in respect thereof as fully and effectually for all intents and purposes as if such sections had been in terms re-enacted in this Act. Provided that all references in the said sections to the improvements authorised by the said London County Council (General Powers) Act 1901 shall for the purposes of this Act be construed as references to the improvement as defined by this Act.

Incorporation of certain provisions of London County Council (General Powers) Act 1901 with reference to works.

15. The Council of the Metropolitan Borough of Stepney shall and they are hereby required from time to time to contribute towards the costs and expenses of the Council in relation to the improvement such sums as the Council may from time to time require to the extent of but not exceeding one equal fourth part of such costs and expenses or the sum of four thousand two hundred and fifty pounds whichever shall be the less.

Contribution by Council of Metropolitan Borough of Stepney to cost of improvement.

PART III.

PURCHASE OF LANDS BY COUNCIL.

16. Subject to the provisions of this Act the Council may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference as intended to be taken or which they may require for the purposes of the improvement.

Power to take lands for purposes of improvement.

17. Subject to the provisions of this Act the Council may purchase and take for the purposes herein-after stated the lands in the county herein-after described and which are delineated on the deposited plans and described in the deposited book of reference (that is to say):—

Power to Council to take lands for fire brigade and education purposes.

(1) For the purposes of the Metropolitan Fire Brigade Acts—

(A) Lands in the parish of Wandsworth borough and metropolitan borough of Wandsworth bounded on the west by a private road known as Garden Lane on the north-east by Christchurch Road on the east by the rear of the premises known as Nos. 2 and 4 Palace Road and on the south by a mews and premises in Garden Lane in the occupation of Messieurs James Shoolbred and Company the said lands comprising the premises known as Nos. 2 and 4 Christchurch Road;

(B) Lands in the parish and metropolitan borough of Lambeth bounded on the north-west by the existing fire station of the Council in Waterloo Road on the north-east by Waterloo Road on the south-east by Peartree Street and on the south-west by the premises known as No. 10 Holmes Terrace the said lands comprising the premises known as Nos. 144 146 148 and 150 Waterloo Road and Nos. 14 15 16 17 18 and 19 Peartree Street ;

(c) Lands in the parish of Saint Mary Islington and metropolitan borough of Islington bounded on the south-east by Calverley Grove on the north-west by the rear of premises in Duncombe Road and on the north-east and south-west by the premises respectively known as Nos. 43 and 53 Calverley Grove the said lands comprising the premises known as Nos. 45 47 49 and 51 Calverley Grove Upper Holloway :

- (2) For the purposes mentioned in Part II. of the Education Act 1902—

Lands in the parish of Saint Mary Islington and metropolitan borough of Islington bounded on the north by the rear of premises fronting on Carleton Road and known as Nos. 32 34 and 36 Carleton Road on the north-east by the rear of premises fronting on Dalmeny Avenue and known as Nos. 29 31 33 and 35 Dalmeny Avenue on the south-east and south-west by premises fronting on Hilldrop Road and known as Nos. 22 and 20 Hilldrop Road and on the south by Hilldrop Road the said lands comprising the premises known as "The Elms" No. 21 Hilldrop Road.

For protection of Lambeth Borough Council.

18. Notwithstanding anything shown upon the deposited plans or contained in the deposited book of reference the Council shall not in exercising the compulsory powers of taking lands and property under the provisions of this Act for the purposes of the Fire Brigade Acts take any portion of or stop up or interfere permanently with the roadway of Peartree Street in the metropolitan borough of Lambeth.

Power to acquire easements under certain lands for purposes of Thames Tunnel.

19. Notwithstanding anything contained in the Thames Tunnel (Rotherhithe and Ratcliff) Act 1900 the Council may under and (except as in this section provided) subject to the provisions of the Lands Clauses Acts purchase and acquire the easement or right of constructing maintaining and using a part of the tunnel or subway authorised by the said Act in through or under the lands herein-after described which are shown on the deposited plans and described in the deposited book of reference or so much of such lands as they may require for the purposes of the said tunnel or subway without being obliged or compellable to purchase the said lands or any part thereof or any greater interest therein than such an easement or right as aforesaid and such easement or right shall be deemed to be lands within the meaning and for the purposes of the Lands Clauses Acts The said lands are the following (namely) :—

Lands in the hamlet of Ratcliff and metropolitan borough of Stepney bounded on the east by the premises known as No. 47 Broad Street on the south by Broad Street and on the north and west by the premises known as No. 41 Broad Street the said lands comprising the premises known as Nos. 43 and 45 Broad Street Ratcliff.

20. In addition to the lands delineated on the deposited plans and described in the deposited book of reference the Council may purchase by agreement in connection with and for the purposes of the improvement any lands not exceeding in the whole five acres.

Purchase of lands by agreement in connection with improvement.

PART IV.

GENERAL POWERS AS TO LANDS.

21. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may (if they think fit) subject to the provisions of the Lands Clauses Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required in connection with the improvement or in connection with or for the purpose of utilising the lands by this Act authorised to be acquired in over or affecting any such first-mentioned lands and for the purposes of this Act the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in that behalf shall extend and apply to such easements rights and privileges as aforesaid and to any grant of the same respectively.

Power to certain persons to grant easements etc. by agreement.

22. In settling any question of disputed purchase money or compensation payable under this Act by the Council the court or person settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the fourteenth day of June one thousand nine hundred and four if in the opinion of such court or person the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Compensation in case of recently altered buildings acquired by Council.

23. The Council may for the purposes of or in connection with the improvement take the part of the several houses buildings or manufactories shown on the deposited plans and described in the deposited book of reference under the numbers stated in the First Schedule to this Act which is described in the said schedule or such part thereof as they may require without being required or compellable to purchase any greater part or the whole of any such house building or manufactory.

As to taking parts of certain properties.

The provisions of this section shall be stated in every notice given thereunder by the Council to sell and convey any premises.

24. The sections of the London County Council (General Powers) Act 1901 of which the numbers and marginal notes are set forth in the second part of the Second Schedule to this Act and section 14 (As to sale of ground rents) of the London County Council (General Powers) Act 1904 are hereby incorporated with and form part of this Act and shall so far as applicable extend and apply to the lands by this Act authorised to be acquired and to the Council in respect of such lands as if such sections had been re-enacted in this Act.

Incorporation of certain provisions of London County Council (General Powers) Acts 1901 and 1904 with reference to lands.

PART V.

HAMPSTEAD HEATH EXTENSION.*

Power to
Council to
acquire and
maintain
lands for
extension of
Hampstead
Heath.

25. It shall be lawful for the Council to acquire by agreement hold and (subject as hereinafter provided) for ever maintain for the purposes in this part of this Act mentioned the lands described in the Third Schedule to this Act (in this part of this Act referred to as "the added lands").

26. [*Power for the County Council of Middlesex, the Councils of the Metropolitan Boroughs of Hampstead, Islington, and Saint Pancras, and any other authorities or bodies, to contribute such sum or sums as they may respectively think fit towards the acquisition of the added lands, and to borrow money for that purpose.*]

Added lands
to form
part of
Hampstead
Heath.

27. From and after the acquisition of the added lands by the Council such lands shall be added to become and be part of Hampstead Heath and shall be subject to the same provisions and restrictions with reference to management control maintenance user and other matters as other parts of Hampstead Heath and all byelaws with respect to Hampstead Heath made by the Council under the provisions of the Acts regulating the use of and relating to open spaces in the county and immediately before the passing of this Act in force or hereafter to be made by the Council under the provisions of those Acts shall extend and apply to the added lands and all the powers of the Council under those Acts shall be exercisable in respect of such lands as though the same had at the time of the passing of the said Acts or the making of such byelaws formed part of Hampstead Heath.

As to forma-
tion and
maintenance
of streets on
added lands.

28. It shall be lawful for the Council to construct or consent to the construction of streets roads or riding-tracks on or any sewers or drains in or under any part of the added lands and for the Council on the one hand and the Provost and Fellows of Eton College on the other hand to enter into execute and carry into effect any agreements or deeds of grant with respect to the construction (including the provision of means of lighting) of any such streets roads or sewers and to the construction and user of and access to any such riding-tracks or drains and with respect to the fencing of the added lands and for the said Provost and Fellows to expend in or upon the construction of any streets roads riding-tracks sewers or drains as aforesaid and any works incidental thereto (including the provision of means of lighting) any moneys belonging to them and any part of the purchase money of the added lands.

The land upon which any such street or road may be constructed shall (subject to the exercise and enjoyment by the Urban District Council of Hendon of all such powers and rights over or in such land as are usually exercised or enjoyed in respect of a street or road by an urban authority) be and remain vested in the Council and shall be deemed to be a street for the purposes of section 150 of the Public Health Act 1875 and when any such street or road shall have been made up sewered drained levelled kerbed paved metalled flagged channelled made good and provided with proper means of lighting to the reasonable satisfaction of the said Urban District Council the same shall become a highway repairable by the inhabitants at large and the maintenance repair paving cleansing and lighting thereof shall be under the care management control

* See also 34 & 35 Vict. c. lxxvii. ; 50 Vict. c. xli. ; and 51 & 52 Vict. c. cli.

and jurisdiction of the said Urban District Council in the same manner as other highways repairable by the inhabitants at large within that urban district and the Council shall afford to the said Urban District Council whenever required all necessary facilities and rights of access for enabling them to inspect and repair any sewers constructed under any part of the added lands.

29. Notwithstanding anything in this Act contained the Council shall not acquire under the powers of this Act any lands belonging to the Charing Cross Euston and Hampstead Railway Company (in this section referred to as "the Company") and before acquiring any lands which the Company are authorised by any Act of Parliament in force at the passing of this Act to purchase the Council shall give to the Company notice in writing of their desire to acquire the same describing such lands and if the Company shall within three months after the receipt of any such notice give to the Council notice in writing stating that they desire themselves to purchase such lands or any part thereof the Council shall not acquire such lands or the part thereof referred to in any such notice by the Company as the case may be.

For protection of Charing Cross Euston and Hampstead Railway Company.

PART VI.

EXCHANGE OF LANDS IN CONNECTION WITH PUBLIC OPEN SPACES.

30. It shall be lawful for the Council at any time hereafter for the purpose of enlarging or improving any open space but not otherwise to enter into and carry into effect any agreement or agreements with the owner or owners of any lands adjacent to such open space for exchanging any part or parts of such open space for such lands or any part or parts thereof and the Council may on any such exchange make or receive any payment for equality of exchange. Provided that all moneys so received by the Council shall be applied in expenditure on capital account in respect of the acquisition or improvement of lands used or to be used as or to be added to an open space and not otherwise :

Power to exchange parts of open spaces for lands adjoining.

Provided also that no land acquired by the Council from the Commissioners of Woods shall be so exchanged except with the consent in writing of such Commissioners to the terms of the exchange first had and obtained.

31. All lands conveyed by the Council under any such agreement as aforesaid shall from and after the vesting thereof in the party to whom the same are conveyed be freed and discharged from all rights of common public rights of way and other public rights in or over or affecting the same and all such rights shall be extinguished and such lands shall cease to be or form part of the open space of which they formed part and to be subject to the provisions of any Act byelaws or scheme relating to such open space.

Lands conveyed by Council to vest free from commonable and other rights.

32.—(1) All lands conveyed to the Council under any such agreement as aforesaid shall forthwith become and be part of the open space of which the lands conveyed by the Council under such agreement theretofore formed part and shall be subject to the like rights of common (if any) as the lands conveyed by the Council and to the same provisions with reference to management control and maintenance as other parts of such open space and all byelaws with respect to such open space made by the Council under the provisions of the Acts regulating the use of and relating to open

Lands conveyed to Council to form part of the open space.

spaces or any other Act or Acts and immediately before such conveyance in force or thereafter to be made by the Council under the provisions of those Acts shall extend and apply to the lands so conveyed to the Council and all the powers of the Council under those Acts with respect to open spaces shall be exerciseable in respect of such lands as though the same had at the time of the passing of the said Acts or the making of such byelaws formed part of the said open space.

(2) The provisions of this section shall after the exchange of any lands effected by any agreement or agreements made under this part of this Act be by way of full compensation and in discharge of all claims in respect of any public rights in over or affecting the lands conveyed by the Council.

(3) From and after the conveyance to the Council of any lands under any such agreement as aforesaid all private rights of way and other private rights in over or affecting such lands shall be extinguished but the Council shall make full compensation to all parties interested in respect of any private rights extinguished under or by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

PART VII.

RECTIFICATION OF BOUNDARIES OF ELTHAM PARK.

Power to Council and Commissioners of Woods to agree for exchange of lands at Eltham.

33. The Council on the one hand and the Commissioners of Woods (in this part of this Act referred to as "the Commissioners") on the other hand may at any time after the passing of this Act enter into and carry into effect an agreement or agreements with respect to all or any of the matters following (that is to say):—

(1) The exchange of certain lands (in this part of this Act referred to as "the blue lands") in the parish of Eltham in the county now vested in the Council and forming part of the estate or open space known as Eltham Park for certain lands (in this part of this Act referred to as "the red lands") in the same parish adjoining the said estate or open space and belonging to the King's Most Excellent Majesty all of which lands are delineated and are respectively coloured blue and red on the plan marked "B" signed in duplicate by John William Wilson the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plan one copy has been deposited in the Private Bill Office of the House of Commons and one copy has been deposited in the Parliament Office of the House of Lords) and the vesting of the blue lands in His Majesty freed and discharged from all rights of common rights of way and other public rights in over or affecting the same:

(2) The extinction or transfer to the Council of all rights of way rights of common and all other rights of His Majesty in over or upon the red lands.

Lands to be held by the King freed from public rights.

34.—(1) From and after the vesting in His Majesty of the blue lands such lands shall be freed and discharged from all rights of way and all other public rights in over or affecting the same and all such rights shall be and the same are hereby extinguished and the

blue lands shall cease to be or form part of Eltham Park and to be subject to the provisions of the Acts and byelaws relating to Eltham Park or to open spaces.

(2) The Council shall make full compensation to all parties interested in respect of any private rights of way extinguished under or by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

35. The red lands acquired by the Council under the powers of this part of this Act shall forthwith after the determination of any tenancies affecting the same be added to become and be part of Eltham Park and shall be subject to the like rights of common (if any) as the blue lands and to the same provisions with reference to management control and maintenance as other parts of Eltham Park and all byelaws with respect to Eltham Park made by the Council under the provisions of the Acts regulating the use of and relating to open spaces in the county and immediately before the passing of this Act in force or hereafter to be made by the Council under the provisions of those Acts shall extend and apply to the red lands and all the powers of the Council under those Acts shall be exerciseable in respect of such lands as though the same had at the time of the passing of the said Acts or the making of such byelaws formed part of Eltham Park :

Lands acquired by Council to form part of Eltham Park.

And the provisions of this section shall after the exchange of lands effected by any agreement or agreements made under the authority of this part of this Act between the Council and the Commissioners be by way of full compensation and in discharge of all claims in respect of any public rights in over or affecting the blue lands.

PART VIII.

EXCHANGE OF LANDS AT PLUMSTEAD COMMON.

36. The Council on the one hand and John Wernham or other the owner or owners of the red lands herein-after referred to (in this part of this Act referred to as "the owner") on the other hand may at any time after the passing of this Act enter into and carry into effect an agreement or agreements with respect to all or any of the matters following (that is to say):—

Power to exchange lands at Plumstead Common.

- (1) The exchange of certain lands (in this part of this Act referred to as "the orange lands") in the parish of Plumstead in the county now vested in the Council and forming part of Plumstead Common for certain lands (in this part of this Act referred to as "the red lands") in the same parish adjoining the said Common and belonging or reputed to belong to the owner all of which lands are delineated and are respectively coloured orange and red on the plan marked "C" signed in duplicate by John William Wilson the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plans one copy has been deposited in the Private Bill Office of the House of Commons and one copy has been deposited in the Parliament Office of the House of Lords) and the vesting of the orange lands in the owner freed and discharged from all rights of common public rights of way and other public rights in over or affecting the same :

- (2) The extinction or transfer to the Council of all rights of way rights of common and all other rights of the owner in over or upon the red lands.

Upon any such exchange as aforesaid the Council may pay to the owner such sum as may be agreed not exceeding one hundred pounds for equality of exchange. [*See 41 & 42 Vict. c. cxlv. and 54 & 55 Vict. c. cavi. s. 50.*]

Lands to be held by owner freed from commonable and other rights.

37. From and after the vesting in the owner of the orange lands under and by virtue of any agreement or agreements made between the Council and the owner under the authority of this Act the orange lands shall be freed and discharged from all rights of common public rights of way and all other public rights in over or affecting the same and all such rights shall be and the same are hereby extinguished and the orange lands shall cease to be or form part of Plumstead Common and to be subject to the provisions of the Acts scheme or byelaws relating to Plumstead Common or to open spaces or to any byelaws made under any of such Acts.

Lands acquired by Council to form part of Plumstead Common.

38. The red lands acquired by the Council under the powers of this part of this Act shall forthwith after the determination of any tenancies affecting the same be added to become and be part of Plumstead Common and the same shall be subject to the like rights of common and to the same provisions with reference to management control and maintenance as other parts of Plumstead Common and all byelaws with respect to Plumstead Common made by the Council under the provisions of the Acts regulating the use of and relating to open spaces in the county and immediately before the passing of this Act in force or hereafter to be made by the Council under the provisions of those Acts shall extend and apply to the red lands and all the powers of the Council under those Acts shall be exerciseable in respect of such lands as though the same had at the time of the passing of the said Acts or the making of such byelaws formed part of Plumstead Common :

And the provisions of this section shall after the exchange of lands effected by any agreement or agreements made under the authority of this part of this Act between the Council and the owner be by way of full compensation and in discharge of all claims in respect of any public rights in over or affecting the orange lands.

PART IX.

LANDS FOR TRAINING COLLEGE FOR TEACHERS.

Power to appropriate part of Avery Hill Estate for educational purposes.

39. The Council may by resolution appropriate and use for educational purposes such portion or portions as they may think fit not exceeding in the whole four acres of the estate in the parish of Eltham and metropolitan borough of Woolwich known as "Avery Hill" acquired by and now vested in the Council under and for the purposes of the Open Spaces Acts 1877 to 1890 including the buildings comprising the mansion house stabling and machinery-house and the site of such buildings and may adapt furnish equip fit up and maintain for that purpose the said lands and buildings and may erect and maintain all such buildings upon the said lands as may be necessary or convenient for utilising such lands for the said purpose. [*See 4 Edw. 7, c. ccxlv. s. 51.*]

40. The lands and buildings so appropriated as aforesaid shall from and after such appropriation be freed and discharged from all public rights of way and all other public rights in over or affecting the same and all such rights shall be and the same are hereby extinguished and the said lands and buildings shall for the purposes of the said Open Spaces Acts cease to form part of the said estate.

Lands appropriated to cease to be held as an open space.

41. The Council may erect and maintain on the portion of the said estate not appropriated under the powers of this part of this Act any building or buildings for the purposes of a refreshment house and shelter and for such other purposes connected with the management maintenance and control of the said portion of the said estate as they may think fit. [See also 50 & 51 Vict. c. cvi. s. 50, and 58 & 59 Vict. c. cxxvii. s. 45.]

Power to erect refreshment house and shelter.

42. In respect of the appropriation authorised by this part of this Act there shall be charged to capital account and deemed to be part of the expenditure incurred by the local education authority for the county under and for the purposes of the Education Acts 1870 to 1903 such a sum as the Council may hereafter determine and the sum so determined may and shall be applied by the Council in erecting a refreshment house and shelter on the said estate and in expenditure on capital account for any other purpose connected with the management maintenance and control of the said estate and in or towards the acquisition of an additional open space or of additions to existing open spaces at such times and in such manner as the Council shall think fit or for any of such purposes.

Council to apply certain moneys in acquisition of other open spaces.

PART X.

EXTENSION OF TIME.

43—44. [Extension of the period for the completion of works authorised by 61 & 62 Vict. c. cxxxi. s. 4 (b) till the 12th August 1906, and application of Part II. of the Railways Clauses Act 1863 to such extension of time. Spent.]

PART XI.

EMPLOYMENT AGENCIES.

45. From and after the first day of January one thousand nine hundred and six or such later date as the Council may by resolution passed within three months after the passing of this Act * prescribe (which date is in this part of this Act referred to as "the commencement of this part of this Act") every person who shall carry on within the county for the purpose of private gain the trade or business of a keeper of an agency or registry for the employment of governesses female domestic servants or other female persons in any similar capacity or (subject as herein-after provided) of a keeper of a concert theatrical or music hall employment agency or registry shall register his name and place of abode and the trade or business to be carried on and also the premises in which such trade or business is to be carried on in a book to be kept at the office of the Council for the purpose.

Keepers of employment agencies to be registered.

46.—(1) A court of summary jurisdiction may on complaint by the Council and on being satisfied that any person registered under this part of this Act is for any reason not a fit and proper person to carry on the trade or business in respect of which he is registered

Provisions as to cancelling or suspending registration.

* No such resolution was passed by the Council.

or that for any other reason it is expedient that the registration of any person under this part of this Act should be cancelled or suspended (whether any offence under this part of this Act or any byelaw made thereunder has been committed or not by the person registered) make an order cancelling or suspending the registration of such person or in the case of a person registered in respect of two or more such trades or businesses as are referred to in this part of this Act cancelling or suspending the registration of such person in respect of all or any one or more of such trades or businesses. Provided that the Council before making complaint shall give to such person not less than fourteen days previous notice in writing of their intention so to do with a statement of their reasons.

(2) If any person feels aggrieved by any such order as aforesaid made by a court of summary jurisdiction he may appeal therefrom to a court of quarter sessions. [*See the Summary Jurisdiction Act 1879, s. 31.*]

(3) The effect of any order made by a court of summary jurisdiction under this section shall be entered in the book to be kept as aforesaid at the office of the Council.

Byelaws as
to employ-
ment agen-
cies.

47.—(1) The Council may make byelaws prescribing the books to be kept and the entries to be made therein and any other matter which the Council may deem necessary for the prevention of fraud and immorality in the conduct of any such trade or business as is referred to in this part of this Act and for regulating any premises used for the purposes of or in connection with such trade or business.

(2) The provisions of the Metropolis Management Act 1855 respecting the making confirmation publication and evidence of byelaws and proceedings before justices and recovery of penalties thereunder shall except as herein-after provided extend and apply to byelaws under this Act and except as aforesaid byelaws under this Act shall be deemed byelaws within the Metropolis Management Acts 1855 to 1893 and the Acts amending the same. [*See 18 & 19 Vict. c. 120, ss. 202—203, and 6 Edw. 7, c. cl. s. 34.*]

(3) The person registered under this part of this Act shall keep a copy of the byelaws made by the Council under this section hung up in a conspicuous place in the registered premises.

(4) Any officer duly authorised by the Council in that behalf shall at all reasonable times be afforded by the person registered full and free power of entry into the registered premises for the purpose of inspecting such premises and the books required to be kept by such person.

Penalties.

48.—(1) Every person who for the purpose of private gain after the commencement of this part of this Act—

(A) Carries on within the county any such trade or business as is referred to in this part of this Act without having registered his name and place of abode the trade or business carried on and the premises in which such trade or business is carried on in accordance with the section of this Act of which the marginal note is “Keepers of employment agencies to be registered” or upon any premises other than those in respect of which he is registered; or

(B) Carries on within the county any such trade or business
 (i) after his registration in respect thereof has been
 cancelled or (ii) during any period for which his
 registration in respect thereof shall have been suspended;
 shall be liable on summary conviction to a penalty not exceeding
 fifty pounds and to a further penalty not exceeding twenty pounds
 for every day on which he continues an offence for which a penalty
 is provided by this subsection after conviction thereof.

(2) Every person who after the commencement of this part of this
 Act—

(A) Refuses to admit any duly authorised officer of the Council
 into any registered premises or obstructs any such officer
 in the execution of this part of this Act ; or

(B) Acts in contravention of any byelaw made under this part of
 this Act ; or

(C) Acts in contravention of any of the provisions of this part of
 this Act for the contravention of which no penalty is by
 this section specifically provided ;

shall be liable on summary conviction to a penalty not exceeding
 five pounds and to a further penalty not exceeding forty shillings
 for every day on which he continues an offence for which a penalty
 is provided by this subsection after conviction thereof.

(3) The court of summary jurisdiction may (in lieu of or in addition
 to imposing a penalty under this section) order the suspension or
 cancellation of the registration.

49. Notwithstanding anything contained in the Metropolitan Police Courts Act 1839 or in any other Act or Acts to the contrary whenever in consequence of proceedings taken by the Council or any officer of the Council in respect of an offence under this part of this Act or any byelaw made thereunder a pecuniary penalty is inflicted the amount of such penalty shall be payable and paid to the Council.

Application
of penalties
under this
part of Act.

50. *[The Council within 3 months after the passing of the Act to give public notice of the effect of this part of the Act, and to give similar notice of any resolution passed under s. 45. Spent.]*

51.—(1) The provisions of the section of this Act of which the marginal note is “Byelaws as to employment agencies” shall not apply to any person carrying on business as a keeper of an agency or registry for the employment of governesses female domestic servants or other female persons in any similar capacity unless in the course of such business he by advertisement circular notice or otherwise offer to procure employment in consideration of a preliminary or registration fee or unless he require or accept from the employer or from the person employed any fee commission or other monetary payment (other than any sum received in repayment of postage actually paid) before the person employed shall have accepted the employment and entered into the situation procured.

Certain
agents ex-
empt from
certain pro-
visions of
this part of
Act.

(2) The keeper of any such agency or registry as is referred to in this section who under the provisions of this section is entitled to such exemption as aforesaid shall give a receipt for every fee commission or other monetary payment (other than any sum received in repayment of postage actually paid) received by him from the employer or from the person employed and shall keep a counterfoil showing the particulars of every receipt so

given and shall at all reasonable hours produce any such counterfoil on demand to any officer duly authorised by the Council in that behalf and any such officer shall at all reasonable hours be afforded full and free entry into the premises whereon any such business as aforesaid is carried on for the purpose of inspecting such premises and the before-mentioned counterfoils.

(3) Every person who after the commencement of this part of this Act acts in contravention of any of the provisions of the last preceding subsection of this section shall be liable on summary conviction to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day on which he continues to act in contravention of any of such provisions after conviction and the court of summary jurisdiction may in lieu of or in addition to imposing a penalty under this section by order direct that the exemption by this section conferred upon such person shall cease to take effect as regards such person either permanently or for such period as the court may think fit.

(4) If any person feels aggrieved by any such order as aforesaid made by a court of summary jurisdiction he may appeal therefrom to a court of quarter sessions. [*See also the Summary Jurisdiction Act 1879, s. 31.*]

This part of Act not to apply to certain theatrical and other agents.

52. This part of this Act shall not apply to any keeper of a concert theatrical or music hall employment agency or registry unless in the course of such business he by advertisement circular notice or otherwise offer to procure employment in consideration of a preliminary or registration fee or unless he accept a fee commission or other monetary payment before procuring employment.

Powers of this part of Act to be exercised by Corporation in City.

53. The mayor aldermen and commons of the city of London in Common Council assembled (in this section referred to as "the Corporation") shall exercise within the city of London in substitution for and to the exclusion of the Council the powers by this part of this Act conferred upon the Council and the Corporation shall within the said city be the authority for carrying the provisions of this part of this Act into execution.

PART XII.

LATCHMERE ALLOTMENTS.

54—56. [*Power to the Council of the Metropolitan Borough of Battersea to utilise for the purpose of erecting thereon houses for persons of the working classes certain parts of lands known as the Latchmere Allotments on providing to the satisfaction of the Council and within the said borough an open space equivalent to the land authorised to be so utilised and to borrow money for such purposes. See also 63 & 64 Vict. c. cclxviii. s. 33.*]

PART XIII.

MISCELLANEOUS AND FINANCIAL PROVISIONS.

57. [*Requiring the Council of the Metropolitan Borough of Deptford to contribute a sum not exceeding one-fourth of the costs of the reconstruction of Ravensbourne Street bridge by the South-Eastern Railway Company under s. 22 of that Company's Act of 1900.*]

58. [*Requiring the Council of the Metropolitan Borough of Shore-ditch to contribute a sum not exceeding £283 towards the purchase by the Council of the Hackney Almshouses and vesting the same when acquired in the borough council as part of the Hackney Road Recreation Ground.*]

59.—(1) The Council may purchase and acquire by agreement and may hold the lands and premises in the metropolitan borough of Lambeth of which particulars are set out in the Fourth Schedule to this Act and the Council may also by agreement either purchase and acquire any existing leasehold or other interests in such lands or purchase such lands subject to any existing leases or interests and as from the time when the said lands or any part thereof come into possession of the Council by reason of their having acquired all interests therein or of the expiration or earlier determination of any such leases or other interests the Council shall hold and use the said lands or such part thereof as and for an open space or recreation ground in all respects as though such lands had been purchased by them under and for the purposes of the Open Spaces Acts 1877 to 1890.

Acquisition by Council of lands for open space at Denmark Hill and contributions by councils of metropolitan boroughs.

[*Part omitted (requiring the Councils of the Metropolitan Boroughs of Camberwell, Lambeth, and Southwark to contribute £10,000, £5,000, and £2,500 respectively towards the purchase of such lands, and empowering the council of any other metropolitan borough to contribute thereto such sums as they may think fit.)*]

60. It shall be lawful for the Council to pay all costs damages and expenses incurred by the School Board in connection with the erection of buildings and the execution of works on the lands in the parish of Saint Mary Islington and metropolitan borough of Islington described in the section of this Act of which the marginal note is "Power to Council to take lands for fire brigade and education purposes" or on any part of such lands or under any contract relating thereto which shall at the passing of this Act remain unpaid and any costs charges and expenses of and in relation to any legal proceedings against the School Board or the Council in respect of such lands and buildings. [See s. 17.]

Power to pay expenses incurred by School Board in connection with lands in Islington.

61. [*Power to councils of metropolitan boroughs to borrow any contributions authorised or required to be made by them to the Council under this Act.*]

62. [*Saving the rights of the Crown.*]

63. [*Saving the rights of the Duchy of Cornwall.*]

64. [*Power to the Council to borrow for the purposes of this Act. Superseded by the London County Council (Money) Act 1906.*]

65.—(1) All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . .

As to payments under this Act.

[*Part omitted (as to the expenses of obtaining this Act, and as to the payment of a certain proportion of such expenses by the Council of the Metropolitan Borough of Battersea.)*]

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE. [*Description of properties of which portions only are required to be taken by the Council.*]

THE SECOND SCHEDULE.*

FIRST PART.

Number of Section.	Marginal Note.
8	Streets may be raised or lowered.
9	Deviation from line and levels.
13	Alteration of electric lines.
14	Carriage-way footway sewers and other works.
15	Directing how the pavement shall be laid and made.
16	Sewers or drains to be arched over or filled up.
17	Power to alter steps areas pipes etc.
19	Period for completion of improvements.
21	Power to sell materials.

SECOND PART.

Number of Section.	Marginal Note.
25	Correction of errors etc. in deposited plans and book of reference.
26	Power to Council to enter upon property for survey and valuation.
27	Costs of arbitration etc. in certain cases.
30	Compensation in case of insanitary property.
31	Limitation of time for purchase of lands.
32	Power to lease surplus lands.
34	Council may sell in first instance without having previously granted a lease thereof.
35	Council may let or exchange lands.
36	Council to dispose of lands within a certain period.
37	Receipts of Council to be effectual discharges.

THE THIRD SCHEDULE.

Lands in the parish and urban district of Hendon in the county of Middlesex belonging or reputed to belong to the Provost and Fellows of Eton College and comprising an area of eighty acres or thereabouts the position and extent of which lands are as nearly as may be delineated and coloured red on the plan marked "A" signed in duplicate by John William Wilson the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plan one copy has been deposited in the Private Bill Office of the House of Commons and one copy has been deposited in the Parliament Office of the House of Lords).

THE FOURTH SCHEDULE.

Lands and premises in the metropolitan borough of Lambeth comprising twenty-four acres or thereabouts bounded on the north by the London Brighton and South Coast Railway and on the east by the road known as Denmark Hill.

* The sections are set out in extenso in the Appendix under the title of the London County Council (General Powers) Act 1901.

CHAPTER CCIX.

AN ACT TO AMEND THE ACTS RELATING TO BUILDINGS IN LONDON TO CONFER VARIOUS POWERS ON THE LONDON COUNTY COUNCIL AND FOR OTHER PURPOSES. [11th August 1905.]

[*Preamble recites (inter alia) 57 & 58 Vict. c. cxxiii. (hereinafter referred to as "the Act of 1894") as amended by 61 & 62 Vict. c. cxxxvii. (hereinafter referred to as "the Act of 1898"), and that the powers thereunder of the London County Council (in this Act referred to as "the Council") are insufficient to secure the provision and maintenance of proper means of escape in case of fire from buildings in the administrative county of London.*]

1. This Act may be cited as the London Building Acts (Amendment) Act 1905. Short title.
2. The Act of 1894 and the Act of 1898 and this Act may be cited together as the London Building Acts 1894 to 1905. Acts of 1894 and 1898 and this Act may be cited together.
3. This Act shall except where otherwise expressly provided come into operation on and shall take effect from the first day of January next after the passing thereof which date is in this Act referred to as "the commencement of this Act." Commencement of Act.
4. This Act shall extend to London and no further. Extent of Act.
5. In the Act of 1894 the Act of 1898 and this Act unless the context otherwise requires the expression "fire-resisting material" means any of the materials and things described or referred to in the First Schedule to this Act. Definition of fire-resisting material.
- 6.—(1) In and for the purposes of this Act unless the subject or context otherwise requires— Interpretation.
 - (i) The expression "owner" (except as used in the section of this Act the marginal note whereof is "Fees to district surveyors") means the person for the time being receiving the rackrent of the premises in connection with which the said expression is used whether on his own account or as agent or trustee for any other person or who would so receive the same if such premises were let at a rackrent but where used in the said section the said expression shall have the same meaning as is assigned thereto by section 5 of the Act of 1894 :
 - (ii) The expression "rackrent" means rent which is not less than two thirds of the full annual value of the premises out of which the rent arises and the full annual value shall be taken to be the annual rent which a tenant might reasonably be expected taking one year with another to pay for the premises if the tenant undertook to pay all usual tenant's rates and taxes and tithe commutation rentcharge (if any) and if the landlord undertook to bear the cost of the repairs and insurance and the other expenses (if any) necessary to maintain the premises in a state to command such rent :
 - (iii) The expression "upper storey" means any storey the level of the upper surface of the floor whereof is at a greater height than fifty feet above the level of the footway (if any) immediately in front of the centre of the face of the building in which such storey is situate or (where there is no such footway) above the level of the ground before excavation :
 - (iv) The expression "high building" means any building any storey whereof is an upper storey as hereinbefore defined :

- (v) The expression "new building" means any building the actual erection of which above the footings shall not have been bona fide and substantially commenced at the date of the commencement of this Act or which has been taken down burnt or destroyed for more than one half of its cubical extent and re-erected or commenced to be re-erected after such date or of which the cubical extent has been increased after such date by an amount equal to the cubical extent of the building as existing before such increase and any existing building which by reason of any alteration thereof or addition thereto becomes a high building after such date :
- (vi) The expression "existing building" means any building not being a new building :
- (vi) The expression "certified building" means any building in respect whereof the Council shall have issued a certificate or which the tribunal of appeal shall have determined to have been provided with means of escape under the provisions of the section of this Act of which the marginal note is "Protection against fire in certain new buildings" :
- (viii) The expression "the tribunal of appeal" means the tribunal of appeal constituted by the Act of 1894 :
- (ix) The expression "plans" means plans sections and elevations.

(2) Words and expressions used in this Act shall unless other meanings are assigned to them by this Act or the context otherwise requires bear the meanings respectively assigned to them by the Act of 1894 and any reference in the Act of 1894 or in the Act of 1898 or in this Act to any part or provisions of the Act of 1894 or to any schedule or part of any schedule to the Act of 1894 shall be construed as referring to such part or provisions or schedule or part of a schedule as amended by the Act of 1898 and by this Act respectively.

7.—(1) Every new building (except a dwelling-house occupied as such by not more than one family) which is—

(a) A high building ; or

(b) A building in which sleeping accommodation is provided for more than twenty persons or which is occupied or constructed or adapted to be occupied by more than twenty persons or in which more than twenty persons are employed or which is constructed or adapted for the employment therein of more than twenty persons ;

shall be provided in accordance with plans approved by the Council or (in the event of an appeal) the tribunal of appeal with all such means of escape therefrom in case of fire as can be reasonably required under the circumstances of the case. The owner of the building shall before or at the same time that the building notice under section 145 (Notices to be given to surveyor by builder) of the Act of 1894 in respect of such building is served on the district surveyor deposit or cause to be deposited at the county hall a notice stating the like matters and particulars as are required by the last-mentioned section to be stated in a building notice thereunder together with a copy (which may be a sun-print or photographic reproduction on paper) of the plans prepared for such new building showing so far as may be necessary for the purposes of this Act the means of escape proposed to be provided in connection with such building.

It shall be lawful for the Council at any time within the period of one month or in the event of such period of one month commencing or expiring on any day between the first day of August and the fourteenth day of September both inclusive then within the period of two months after the deposit as aforesaid of such plans to refuse to approve such plans or to approve the same subject to such conditions (if any) as they may prescribe provided that the Council shall within such period as aforesaid give notice to the applicant of such refusal or conditional approval stating fully all their reasons for such refusal or for the imposition of such conditions as the case may be. Provided that if within the period limited as aforesaid the Council fail to give notice of their refusal to approve any such plans or of the conditions subject to which they approve any such plans they shall be deemed to have approved such plans without conditions.

(2) No upper storey in any high building not being of the class referred to in paragraph (b) of subsection (1) of this section and no part of any building of the class referred to in the said paragraph shall be occupied or let for occupation until the Council shall have issued a certificate or (in the event of an appeal) the tribunal of appeal shall have determined that such building has been provided with means of escape in accordance with plans approved as aforesaid by the Council or the tribunal of appeal (as the case may be) and that the conditions (if any) subject to which such plans were so approved have been complied with. Provided that unless the Council shall within fourteen days after notice of completion of any such building shall have been given to the Council by the owner notify to the owner that such certificate is refused and the grounds of such refusal such certificate shall be deemed to have been duly issued.

(3) If by reason of any structural alteration or addition of a substantial character of or to any certified building (being a building of the class referred to in paragraph (b) of subsection (1) of this section) the sleeping accommodation in such building is substantially increased and the risk of fire in such building or the difficulty of escaping therefrom in case of fire is thereby substantially increased or if the number of persons occupying or employed or dwelling in the upper storeys of any certified building (being a high building but not being a building of the class referred to in the said paragraph) or in any part of any certified building (being a building of the class referred to in the said paragraph) is substantially increased and the risk of fire in the upper storeys of such building (being a high building) or in any part of such building (being a building of the class referred to in the said paragraph) or the difficulty of escaping from any such upper storey or part of a building (as the case may be) in case of fire is thereby substantially increased or if by reason of any change of circumstances in or affecting any certified building the risk of fire in such building is substantially increased or escape from such building or any such upper storey as aforesaid (as the case may be) in case of fire is rendered substantially more difficult or if by reason of any material change in the mode of user of any certified building the risk of fire in such building is substantially increased or escape from such building or from any such upper storey as aforesaid (as the case may be) in case of fire is rendered substantially more difficult then and in any of such events the certificate issued by the Council or the determination of the tribunal of appeal (as the case may be) in respect of such building shall thenceforth be void and of none effect.

and such building shall thenceforth cease to be a new building and be deemed to be an existing building :

Provided that the notice to be served on the owner of such building by the Council under the provisions of the section of this Act whereof the marginal note is "Protection against fire in certain existing buildings" shall if the owner request the Council in writing so to do (giving particulars of any proposed or completed alteration addition or change of circumstances) be served within two months after the receipt by them of such written request and that if notwithstanding such written request no such notice is so served within the period aforesaid such building or the upper storeys of such building as the case may be shall be deemed to be in the opinion of the Council provided with proper and sufficient means of escape in case of fire.

(4) Nothing in this section contained shall authorise the Council to require in the case of a building being a high building and not being a building of the class referred to in paragraph (b) of subsection (1) of this section any means of escape from any storey other than an upper storey.

As to occupation of certain buildings during rebuilding.

8. Nothing in subsection (2) of the section of this Act whereof the marginal note is "Protection against fire in certain new buildings" shall prevent the continuous occupation during rebuilding of any portion of any building to which the said subsection applies and which has been partially taken down burnt or destroyed.

Protection against fire in certain existing buildings.

9.—(1) From and after the first day of January one thousand nine hundred and seven in the case of any existing building (except a dwelling-house occupied as such by not more than one family) which is—

(a) A high building ; or

(b) A building in which sleeping accommodation is provided for more than twenty persons or which is occupied by more than twenty persons or in which more than twenty persons are employed ;

the Council if in their opinion such building is not provided with proper and sufficient means of escape therefrom in case of fire may at any time serve on the owner of such building a notice requiring him to provide such means of escape as can be reasonably required under the circumstances of the case.

Any such notice shall specify in detail the requirements of the Council and the owner of such building shall subject to the provisions of this Act execute and do all such works and things as may be necessary in order to comply with any requirements made by the Council under this section and (in the event of an appeal) confirmed or varied by the tribunal of appeal as hereinafter provided within such period as may be required by the Council or (in the event of an appeal) the tribunal of appeal. Provided that if such owner shall within twenty-one days after the service of such notice have submitted to the Council alternative proposals for the provision of means of escape in case of fire and the Council shall have in writing accepted the same as satisfactory it shall not be necessary for such owner to comply with any of the requirements contained in the notice served on him by the Council as aforesaid but he shall with all practicable dispatch after such acceptance as aforesaid execute and do all such works and things as may be necessary in order to provide the means of escape specified in such alternative proposals

(2) Where any owner of a building has been convicted of an offence against this Act—

(a) By failing to comply with any requirement made by the Council under this section and (in the event of an appeal) confirmed or varied by the tribunal of appeal within the period required by the Council or the tribunal of appeal (as the case may be); or

(b) By failing to execute and do with all practicable dispatch after such acceptance as aforesaid all such works and things as may be necessary to provide the means of escape specified in such alternative proposals as aforesaid: a petty sessional court may notwithstanding the imposition of any penalty make an order prohibiting the occupation of such building (being a building of the class referred to in paragraph (b) of subsection (1) of this section) or any part or parts of such building or the occupation of any upper storey of such building (being a high building and not being a building of the class referred to in the said paragraph) The costs of any such proceedings and order shall be in the discretion of the court.

Any order made under this subsection may be at any time amended or discharged by the order of a petty sessional court.

(3) The Council shall keep at the county hall a register (which shall be open at all reasonable times to inspection) of all orders made under this section

(4) Nothing in this section contained shall authorise the Council to require in the case of a building (being a high building and not being a building of the class referred to in paragraph (b) of subsection (1) of this section) any means of escape from any storey other than an upper storey.

10.—(1) Where any part of a building which is used or adapted to be used as a shop projects for a distance of seven feet or more beyond the main front of any building of which it forms part and in which any persons are employed or sleep the projecting portion of such shop shall be provided by the owner with a roof constructed of fire-resisting materials not less than five inches thick. Projecting shops.

(2) It shall be lawful to construct or place in or upon the roof of the portion of any shop so projecting beyond the main front of the building as aforesaid lantern lights or ventilating cowls. Provided that no such lantern light or ventilating cowl shall be constructed or placed so that any part thereof will be at a less distance than six feet from the main front of the building from which the shop projects or within such distance as may be reasonable in the circumstances of the case from any other external or party wall. Provided also that the sides of such lantern light or ventilating cowl (except the side facing away from the main building) shall be carried up in fire-resisting materials for two feet above the roof in or upon which it is constructed or placed. Provided further that no part of any such lantern light or ventilating cowl shall project above the roof in or upon which the same is constructed or placed to a greater extent than five feet.

(3) The provisions of this section shall extend and apply as well to existing as to new buildings.

(4) The Council or (in the event of an appeal) the tribunal of appeal may in any case where it is reasonable so to do sanction subject to such conditions if any as the Council or (in the event of an appeal) the tribunal of appeal may impose in giving such

sanction the exemption of any building from all or any of the provisions of this section.

Rules for living rooms over premises used for storage of inflammable liquid.

11.—(1) No person shall knowingly or wilfully use or permit to be used either as a living room or as a workshop or workroom any room constructed over or communicating directly with any part of a building used for the storage of petroleum as defined by section 3 of the Petroleum Act 1871* whether or not petroleum within the meaning of that Act or bisulphide of carbon or ether or turpentine or methylated spirit or any other inflammable liquid kept for sale or trade purposes in such quantities or in such manner as to be liable to cause fire or explosion unless there be provided in connection with such room according to the requirements and to the satisfaction of the Council—

(i) Adequate safeguards to prevent the spread of fire from the part of the building used for the storage of any such inflammable liquid to such room; and

(ii) Means of ready escape from such room in case of fire.

(2) Nothing in this section contained shall affect or prejudice any jurisdiction vested in the corporation of the city of London under the Petroleum Act 1871.†

Means of access to roofs.

12.—(1) (A) Every existing building to which the section of this Act whereof the marginal note is “Projecting shops” applies and every other existing building except a dwelling-house occupied as such by not more than two families; and

(B) Every new building; shall if having more than two storeys above the ground storey or if exceeding thirty feet in height be provided (unless and except so far as the Council otherwise allow) by the owner with either—

(a) A dormer window or a door opening in a suitable position approved by the district surveyor on to the roof with proper access thereto; or

(b) A trap door in a suitable position approved by the district surveyor covered with copper or zinc and hung on hinges so as to admit of the same opening to the fullest extent and furnished with a counterweight so as to ensure that the same shall open automatically when unfastened and also with a fixed or hinged step-ladder leading to the roof; or

(c) Other proper means of access to the roof; and with a sufficient parapet or guard-rail where reasonably practicable and necessary to prevent persons slipping off the roof. Any dormer window or trap-door provided under this subsection shall only be fastened in such a manner as to ensure access to the roof being always readily available from the inside of the building.

(2) The Council or (in the event of an appeal) the tribunal of appeal may in any case where it is reasonable so to do sanction subject to such conditions if any as the Council or (in the event of an appeal) the tribunal of appeal may impose in giving such

* S. 3 of the Petroleum Act 1871 is as follows: “For the purposes of this Act the term ‘petroleum’ includes any rock oil, Rangoon oil, Burmah oil, oil made from petroleum, coal, schist, shale, peat, or other bituminous substance, and any products of petroleum, or any of the above-mentioned oils.”

† S. 8 of the Petroleum Act 1871 enacts that the local authority to grant licenses under that Act shall be, in the city of London, the court of the Lord Mayor and Aldermen of the said city.

sanction the exemption of any building from all or any of the provisions of this section.

(3) This section shall not apply to any building falling within either of the sections of this Act the respective marginal notes whereof are "Protection against fire in certain new buildings" and "Protection against fire in certain existing buildings."

13. No person shall without the consent in writing of the Council or (in the event of an appeal) the tribunal of appeal convert a building in such manner that such building when so converted will not be in conformity with the provisions of this Act or without such consent knowingly or wilfully permit or suffer any building when so converted to be used or occupied. Provided that if the Council shall not within the period of one month or in the event of such period of one month commencing or expiring on any day between the first day of August and the fourteenth day of September both inclusive then within the period of two months after written application to the Council by the owner for such consent notify to the owner that such consent is refused and the grounds of such refusal such consent shall be deemed to have been duly given. For the purposes of this section the expression "convert" shall include any change of user whether involving any structural alteration or not and notice of such conversion shall be given to the district surveyor by the owner or occupier of the building intended to be converted.

Conversion
of buildings.

14. All means of escape in case of fire provided in accordance with any of the provisions of this Act or otherwise shall be kept and maintained by the owner of the building in respect whereof they are provided in good condition and repair and in efficient working order and no person shall knowingly or wilfully obstruct or render less commodious or permit or suffer to be obstructed or rendered less commodious any such means of escape as aforesaid.

Means of
escape to be
maintained.

15. For the purpose of carrying out or maintaining any work required to be done or maintained by the owner under any of the provisions of this Act it shall be lawful for the owner of any building notwithstanding any provision to the contrary contained or implied in any lease or contract affecting such building to enter such building or any part thereof and do all such things therein or in relation thereto as may be necessary or proper in that behalf.

Power to
owner to
enter not-
withstanding
provisions of
lease.

16.—(1) The execution of every work to be done in or upon a building necessary to give effect to the provisions of this Act shall be subject to the supervision of the district surveyor appointed to the district in which the building is situated in like manner as any work done to or upon the building under the provisions of the Act of 1894. [See 57 & 58 Vict. c. ccciii. s. 138.]

Duties of
district sur-
veyors under
Act.

(2) Particulars of any means of escape required by the Council or (in the event of an appeal) the tribunal of appeal or to be provided in accordance with plans approved by the Council under the provisions of this Act shall be furnished by the Council to the district surveyor within whose district the building to which such particulars relate is situate and it shall be the duty of the district surveyor to ascertain that such means of escape are properly provided in accordance with such particulars and to report to the Council any failure to provide the same.

(3) Where any of the provisions of the sections of this Act whereof the marginal notes are respectively "Projecting shops"

and "Means of access to roofs" are or become applicable to a new or to an existing building the district surveyor shall as soon as he discovers that such building is not in conformity with such provisions report such non-conformity to the Council.

District surveyors to notify Council in certain cases.

17. The district surveyor shall notify in writing to the Council every building about to be erected in his district to which in his opinion the section of this Act the marginal note whereof is "Protection against fire in certain new buildings" would apply and within a reasonable time after being requested in writing by the Council shall from time to time ascertain and notify in writing to the Council any building within his district or any part thereof to which in his opinion the section of this Act the marginal note whereof is "Protection against fire in certain existing buildings" applies and also upon completion of any works required to be carried out under either of such sections shall notify to the Council whether all the requirements made by the Council or the tribunal of appeal (as the case may be) have been complied with.

Fees to district surveyors.

18.—(1) The district surveyor shall be entitled to receive from and shall be paid by the builder employed in erecting the building in respect whereof the same are chargeable or in doing any work or matter in respect of which any service has been performed by such surveyor under the provisions of this Act or from the owner or occupier of such building or of any building in respect whereof such work or matter has been done or service performed the fees specified in Part I. of the Second Schedule to this Act and the provisions of section 157 (Periods when surveyors entitled to fees) of the Act of 1894 shall apply to the said fees and the recovery of the same.

(2) The district surveyor shall be entitled to receive from and shall be paid by the Council the fee specified in Part II. of the said Second Schedule in respect of the performance of the duties therein mentioned.

(3) Where any works or services other than those carried out or performed in pursuance of this Act are carried out or performed in respect of any building the said fees shall be in addition to and not in substitution for any fees which may be payable under the Act of 1894 in respect of such other works or services as aforesaid.

Exemption of owner from penalty on conviction of actual offender.

19.—(1) Where an offence under this Act for which the owner of any building is liable under this Act to a penalty has in fact been committed by an occupier or any other person that occupier or other person shall be liable to the same penalty as if he were the owner.

(2) Where the owner is charged with any such offence he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge against himself and if after the commission of the offence has been proved the owner proves to the satisfaction of the court that he has used due diligence to enforce the execution of the provisions of this Act and that such other person has committed the offence in question without the knowledge consent or connivance of the owner that other person shall be summarily convicted of the offence and the owner shall be exempt from any penalty. The person so convicted shall in the discretion of the court be also liable to pay any costs incidental to the proceedings.

20. The owner of any building who has paid or incurred the expenses of executing any work in respect of such building which the owner of such building is required to execute under any provisions of this Act or has paid any other expenses which by any such provision as aforesaid are required to be borne or paid by the owner may if he thinks fit apply to the county court of the district in which such building is situate and such court may thereupon issue a summons requiring the several persons entitled to any estate or interest in the building to appear before the court and the court may make such order concerning such expenses or their apportionment among all the several persons entitled to any estate or interest in the building as appears to the court to be just and equitable in the circumstances of the case regard being had to the terms of any lease or contract affecting such building.

Apportionment of expenses borne by owners.

21. Where the occupier of any building shall claim to have sustained any damage directly and solely caused by the construction of any works carried out under this Act such claim shall be referred to arbitration and the arbitrator shall determine how such damage shall be borne by the persons interested in the said building having regard to all the circumstances of the case including the terms of any lease or contract affecting such building.

Arbitration as to incidence of damage.

22.—(1) At any time within two months after—

(a) The refusal or conditional grant by the Council of their approval of any plans deposited pursuant to the section of this Act the marginal note whereof is "Protection against fire in certain new buildings" or the refusal by the Council to issue a certificate pursuant to the same section :

As to appeals under Act.

(b) The service on the owner of any building of notice of any requirement of the Council under the section of this Act the marginal note whereof is "Protection against fire in certain existing buildings" ;

(c) The making of any requirement with respect to any building under the section of this Act the marginal note whereof is "Projecting shops" or any refusal or conditional grant of the sanction of the Council to any exemption under the last-mentioned section or the section of this Act the marginal note whereof is "Means of access to roofs" ;

(d) The making of any requirement by the Council with respect to any building under the section of this Act the marginal note whereof is "Rules for living rooms over premises used for storage of inflammable liquid" ; or

(e) Any refusal of the consent of the Council under the section of this Act the marginal note whereof is "Conversion of buildings" ;

the owner of the building to which such requirement or refusal or conditional grant relates may if he think fit appeal to the tribunal of appeal.

(2) The National Telephone Company Limited shall in any case where they are the occupiers (without being also the owners) of any building or part of a building containing plant which is used for or in connection with public telephonic communication to which any such requirement or refusal or conditional grant relates have the like right of appeal against such requirement refusal or conditional grant as the said Company would have had if they had been the

owners of such building or part of a building and the Council shall give or cause to be given to the said Company full and detailed particulars of any such requirement refusal or conditional grant upon or contemporaneously with such requirement refusal or conditional grant.

Power of entry to Council and their officers and district surveyors.

23.—(1) For the purpose of exercising their powers or performing their duties under this Act it shall be lawful for the Council or any officer of the Council duly authorised in writing by the Council in that behalf (which authority such officer shall produce if required) at all reasonable times and after reasonable notice to enter inspect and examine any building structure or premises to which he has reasonable grounds for thinking that the provisions of this Act apply.

(2) For the purpose of performing his duties under this Act it shall be lawful for the district surveyor at all reasonable times to enter inspect and examine any building structure or premises.

Offences against Act.

24. Subject to the provisions of this Act every person who does any of the things specified in this section shall be deemed to have committed an offence against this Act and shall be liable upon conviction in a summary manner to a penalty not exceeding the amount hereinafter specified in connection with such offence and to a further penalty not exceeding the amount hereinafter specified as the daily penalty in connection with such offence for every day on which the offence is continued (that is to say):—

(1) Every person who—

(a) Occupies permits to be occupied or lets for occupation any upper storey or any part of any building in contravention of the provisions of the section of this Act the marginal note whereof is “Protection against fire in certain new buildings”; or

(b)—(i) Fails to comply with any requirement made by the Council under the section of this Act the marginal note whereof is “Protection against fire in certain existing buildings” and (in the event of an appeal) confirmed or varied by the tribunal of appeal within such time as may be required by the Council or the tribunal of appeal; or

(ii) Fails to execute and do with all practicable despatch after acceptance by the Council of any alternative proposals under the said section for the provision of means of escape in case of fire all such works and things as may be necessary to provide the means of escape specified in such alternative proposals; or

(iii) Occupies or permits to be occupied any part of or storey in a building after the making of an order of a petty sessional court under the said section prohibiting the occupation of such part of or such storey in such building unless such order has been discharged as in the said section provided; or

(c) Fails to deposit or cause to be deposited at or within the time at or within which the same are by the respective provisions relating thereto required to be deposited any notice or plans required to be deposited under the provisions of this Act; or

- (d) Knowingly or wilfully uses or permits to be used any room in contravention of the provisions of the section of this Act the marginal note whereof is "Rules for living rooms over premises used for storage of inflammable liquid"; or
- (e) Fails to comply with the provisions of the sections of this Act the respective marginal notes whereof are "Projecting shops" and "Means of access to roofs"; or
- (f) Neglects to keep and maintain in good condition and repair and in efficient working order or obstructs or renders less commodious or permits or suffers to be obstructed or rendered less commodious any means of escape in case of fire provided in accordance with any of the provisions of this Act or otherwise; or
- (g) Refuses to admit any officer of the Council or district surveyor or other person when entitled so to do under this Act to enter survey inspect or examine any building structure work or premises which such officer or surveyor or other person is by this Act authorised to enter survey inspect or examine or refuses or neglects to afford him all reasonable facilities and assistance in such survey inspection or examination; or
- (h) Hinders or obstructs any persons empowered by this Act to enter and remain on any premises for the purpose of executing or maintaining and to execute or maintain any work required by this Act to be executed or maintained; or
- (i) Knowingly or wilfully converts or permits or suffers to be used or occupied a building in contravention of the provisions of the section of this Act the marginal note whereof is "Conversion of buildings"; or
- (j) Does any other thing prohibited by this Act or fails neglects or omits to do any other thing which he is required to do under or in pursuance of this Act :
shall be liable to a penalty not exceeding twenty pounds and a daily penalty not exceeding ten pounds :
- (2) The liability to these penalties shall be without prejudice to any other proceedings whether under the Act of 1894 or this Act or any byelaw or regulation made under the Act of 1894 or otherwise but so that no person shall be punished twice for the same offence :
- (3) All such penalties as aforesaid shall be recoverable in a summary manner and the provisions of section 169 (Application of penalties) of the Act of 1894 shall extend and apply to all penalties recovered by the Council under this Act.

25. The Act specified in the Third Schedule to this Act is hereby repealed to the extent specified in the third and fourth columns of that schedule. Repeal of scheduled enactment.

26.—(1) The provisions of this Act shall not apply to any building the whole of which is a factory or workshop within the meaning of section 14 of the Factory and Workshop Act 1901 or to any common lodging-house within the meaning of any statute for the time being in force relating to common lodging-houses within London. [See 14 & 15 *Vict. c. 28* ; 16 & 17 *Vict. c. 41* ; 57 & 58 *Vict. c. exxiv.* ; and 2 *Edw. 7. c. clxxiii. Part ix.*]

(2) Nothing in this Act shall empower the Council to require as

Certain provisions of Act not to apply to factories workshops or common lodging-houses.

regards any building while used in part as a factory or workshop means of escape in case of fire to be provided from or in respect of the part so used of such building if within three years prior to the passing of this Act means of escape in case of fire have been provided from such part in compliance with the Factory and Workshop Act 1901.

Incorporating certain provisions of Act of 1894. **27.**—(1) The following provisions of the Act of 1894 are hereby incorporated with and form part of this Act and shall extend and apply accordingly and have effect as fully and effectually as if the same had been re-enacted in this Act (that is to say):—

Section 144 (Surveyor not to act in case of works under his professional superintendence);

Section 145 (Notice to be given to surveyor by builder);

Section 147 (Notice to be evidence of intended works);

Section 156 (Fees in relation to evidence before tribunal);

Section 181 (Power for Council to support decisions of officers before tribunal);

Section 182 (Tribunal may state case for opinion of High Court);

Section 183 (Procedure of tribunal);

Section 184 (Regulations as to procedure and fees);

Section 185 (Enforcement of decision of tribunal);

Section 187 (Notices to be in writing);

Section 188 (Service of notices);

Section 190 (Power for Council to annex conditions);

Section 194 (Plans and documents to be property of Council);

Section 195 (Mode of giving approval of Council to plans);

Section 196 (Consent how given on behalf of owners not to be found);

Section 206 (Duration of exemption).

(2) All regulations made and to be made by the tribunal of appeal under the said section 184 of the Act of 1894 shall apply to the procedure to be followed in cases of appeal under this Act.

For protection of Inns of Court.

28. The lands buildings and property of—

(1) The Honourable Society of the Inner Temple;

(2) The Honourable Society of the Middle Temple;

(3) The Honourable Society of Lincoln's Inn;

(4) The Honourable Society of Gray's Inn;

shall be exempt from the operation of this Act.

Exempting certain property of dock railway companies.

29.—(1) Any building or structure or part of a building or structure belonging to a dock company constituted by Act of Parliament and situate within the dock premises shall be exempt from the provisions of this Act.

(2) The exemption conferred by this section shall extend to and include any building or structure or part of a building or structure belonging to the Surrey Commercial Dock Company in connection with their Surrey Canal undertaking and used exclusively for the purposes of canal works under the Acts of Parliament regulating the said undertaking.

Exempting certain property of railway companies.

30. Any building or structure (not being an hotel) belonging to or leased by any railway company situate upon the railway or within the railway or station premises of the same or any other railway company and used for the purposes of or in connection with the traffic of the railway company shall be exempt from the provisions of this Act.

31. Any building or structure or part of a building or structure belonging to or leased by any electric lighting company having statutory powers for the supply of electricity and used exclusively as a generating station or distributing or transforming station or for works connected with the exercise of such powers shall be exempt from the provisions of this Act.

Exempting certain property of electric lighting companies.

32. The generating station referred to in section 8 of the Metropolitan District Railway Act 1902 shall be exempt from the provisions of this Act.

Exempting generating station of Underground Electric Railways Company of London Limited.

33. Any building or structure or part of a building or structure belonging to or leased by any gas company and used exclusively for gasworks shall be exempt from the provisions of this Act.

Exempting certain property of gas companies.

34.—(1) Any new or existing building used or intended to be used to the extent of not less than three fourths of its cubical extent as a bank or insurance office or partly for one and partly for the other of such purposes by not more than two companies or firms and used or intended to be used as regards the residue thereof only as a residence for or for providing sleeping accommodation for officers or servants of such companies or firms shall so long as such building is not used otherwise than as aforesaid be exempt from the provisions of this Act.

As to banks and insurance offices.

(2) The premises known as Staple Inn Holborn shall be deemed to be existing buildings to which the provisions of this section apply.

35. The buildings of the Stock Exchange in the city of London situated between Throgmorton Street on the north and Threadneedle Street and Old Broad Street on the south or south-east and also any buildings (while used as a stock exchange) erected on the site of the properties Nos. 31 to 33 Throgmorton Street shall be exempt from the provisions of this Act.

As to Stock Exchange buildings.

36. Any existing building or structure in the exclusive occupation of a public wharfinger and used by him for the purposes of his business and situate upon or in immediate proximity to a dock wharf quay or riverside frontage and which is self-contained and does not abut on any building shall be exempt from the provisions of this Act. Provided that this exemption shall not apply to uptown warehouses or to any building wherein any manufacturing process is carried on or wherein any person sleeps:

Exempting buildings of public wharfmasters.

“Public wharfinger” means the owner lessee or occupier of a wharf quay warehouse or granary adjoining the port of London mainly used for warehousing the goods imported into the port of London of persons other than the occupier of such premises.

37. The buildings and premises known as the Royal Albert Hall shall be exempt from the provisions of this Act.

Exempting Royal Albert Hall.

38. Any new or existing building or structure (not being an hotel) now or hereafter belonging to or leased or erected by the Metropolitan District Railway Company the Baker Street and Waterloo Railway Company the Great Northern Piccadilly and Brompton Railway Company and the Charing Cross Euston and Hampstead Railway Company or any of them shall so far as erected or used or intended to be used for the purposes of or in connection with the traffic of the said Companies or any of them be exempt from the provisions of this Act.

For protection of Metropolitan District Baker Street and Waterloo Great Northern Piccadilly and Brompton and Charing Cross Euston and Hampstead Railway Companies.

39. The following buildings shall so long as used for their present purposes be exempt from the provisions of this Act:—

Exempting certain buildings.

(1) The Mansion House Guildhall and Royal Exchange of the city:

(2) The Sessions House at the Old Bailey and all public buildings erected or occupied by the corporation under the provisions of the City of London Police Acts :

(3) The buildings of the Metropolitan Cattle Market the Cattle Market at Deptford the London Central Markets the Spitalfields Market and the Shadwell Market.

Bonded
warehouses
to be exempt.

40. Any building or part of a building approved by the Commissioners of Customs or the Commissioners of Inland Revenue as a warehouse or store for warehousing or depositing goods without payment of duty shall while used with such approval for any of such purposes and unless and except so far as such Commissioners otherwise allow be exempt from the provisions of this Act.

41. [*Saving the rights of the Crown.*]

42. [*Saving the rights of the Duchy of Cornwall.*]

Expenses of
Act how to
be borne.

43. All expenses incurred by the Council in carrying this Act into execution and not otherwise provided for shall be deemed to be general expenses incurred by the Council and shall be raised and paid accordingly. . . . [*Part omitted (as to the expenses of obtaining this Act) spent.*]

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

The following materials shall for the purposes of the Act of 1894 the Act of 1898 and this Act be deemed to be fire-resisting materials :—

(I) For general purposes :

(1) Brickwork constructed of good bricks well burnt hard and sound properly bonded and solidly put together—

(a) With good mortar compounded of good lime and sharp clean sand hard clean broken brick broken flint grit or slag ; or

(b) With good cement ; or

(c) With cement mixed with sharp clean sand hard clean broken brick broken flint grit or slag ;

(2) Granite and other stone suitable for building purposes by reason of its solidity and durability ;

(3) Iron steel and copper ;

(4) Slate tiles brick and terra-cotta when used for coverings or corbels ;

(5) Flagstones when used for floors over arches but such flagstones not to be exposed on the underside and not supported at the ends only ;

(6) Concrete composed of broken brick tile stone chippings ballast pumice or coke breeze and lime cement or calcined gypsum ;

(7) Any combination of concrete and steel or iron.

(II) For special purposes :

(1) In the case of doors and shutters and their frames oak teak jarrah karri or other hard timber not less than one and three-quarters inches finished thickness the frames being bedded solid to the walls or partitions ;

(2) In the case of staircases and landings oak teak jarrah karri or other hard timber the treads risers strings and bearers being not less than one and three-quarters inches finished thickness and the ceilings and soffits if any being of plaster or cement ;

(3) Oak teak jarrah karri and other hard timber when used for beams or posts or in combination with iron the timber and the iron (if any) being protected by plastering or other incombustible or non-conducting external coating not less than two inches in thickness or in the case of timber not less than one inch in thickness on iron lathing ;

(4) (a) In the case of floors and roofs—

Brick tile terra-cotta or concrete composed as described in paragraph (I) (6) of this schedule not less than five inches thick in combination with iron or steel ;

- (b) In the case of floors and of the roofs of projecting shops—

Pugging of concrete composed as described in the said paragraph (I) (6) not less than five inches thick between wood joists provided a fillet one inch square is secured to the sides of the joists and placed so as to be in a central position in the depth of the concrete or concrete blocks not less than five inches thick laid between wood joists on fire-resisting bearers secured to the sides of joists;

- (5) In the case of verandahs balustrades outside landings the treads strings and risers of outside stairs outside steps porticoes and porches oak teak jarrah karri or other hard timber not less than one and three-quarters inches finished thickness;
- (6) In the case of internal partitions enclosing staircases and passages terra-cotta brickwork concrete or other incombustible material not less than three inches thick;
- (7) In the case of glazing for windows doors and borrowed lights lantern or skylights glass not less than one fourth of an inch in thickness in direct combination with metal the melting point of which is not lower than 1,800 degrees Fahrenheit in squares not exceeding sixteen square inches and in panels not exceeding two feet across either way the panels to be secured with fire-resisting materials in fire-resisting frames of hard wood not less than one and three-quarters inches finished thickness or of iron.

(III) Any other material from time to time approved by the Council as fire-resisting.

THE SECOND SCHEDULE.

FEES PAYABLE TO DISTRICT SURVEYORS.

PART I.

(A) In respect of a building erected in conformity with the provisions of the section of this Act of which the marginal note is "Protection against fire in certain new buildings"; or

(B) For ascertaining whether any requirement made by the Council under the section of this Act the marginal note whereof is "Protection against fire in certain existing buildings" and (in the event of an appeal) confirmed by the tribunal of appeal is complied with; or

(C) For any work required under the provisions of either of the sections of this Act the respective marginal notes whereof are "Projecting shops" and "Means of access to roofs"—

One fifth of the amount of the fee payable under the Third Schedule of the Act of 1894 in respect of a new building of the same character or the sum of one pound one shilling whichever shall be the greater.

PART II.

For surveying for the purpose of ascertaining and notifying or reporting any building to the Council pursuant to the provisions of the sections of this Act the marginal notes whereof are respectively "District surveyors to notify Council in certain cases" and "Duties of district surveyors under Act."

For every building to which such sections apply and for every other building which in the opinion of the Council has been reasonably inspected for the purposes of such sections a fee of seven shillings and sixpence.

THE THIRD SCHEDULE.

Session and Chapter.	Title or Short Title.	No. of Section.	Extent of Repeal.
57 & 58 Vict. c. cxxiii.	London Building Act 1894	5	Subsection (36).
		61	Subsection (2).
		63	The whole section.
		Second Schedule	The whole schedule.

6 EDWARD VII. A.D. 1906.

CHAPTER 25.

AN ACT TO CONSOLIDATE ENACTMENTS RELATING TO OPEN SPACES.
[4th August 1906.]

LOCAL AUTHORITIES.

Local authorities.

1. Each of the following bodies shall be a local authority for the purposes of this Act, namely—

The council of any county, of any municipal or metropolitan borough, or of any district :

The Common Council of the City of London :

Any parish council invested with the powers of this Act by an order of the council of the county within which the parish is situate.

POWER TO TRANSFER OPEN SPACES AND BURIAL GROUNDS TO
LOCAL AUTHORITIES.

Power of trustees under local Act to transfer open space to local authority or admit other persons to enjoyment thereof.

2.—(1) Where an open space is, in pursuance of a local or private Act of Parliament, placed under the care and management of trustees or other persons (in this section referred to as trustees), with a view to the preservation and regulation thereof as a garden or open space, the trustees may, in pursuance of a special resolution, and with the consent, signified by a special resolution, of the owners and occupiers of any houses which front upon the open space, or of which the owners and occupiers are liable to be specially rated for the maintenance of the open space,—

- (a) convey, for or without any consideration, to any local authority, their estate or interest in the open space or, if they have no such estate or interest, transfer to any local authority the entire care and management of the open space, to the end that the space may be preserved for the enjoyment of the public ; or
- (b) grant, for or without any consideration, to any local authority any term of years or other limited interest in or any right or easement over the open space : or
- (c) make any agreement with any local authority for the opening to the public of the open space and the care and management thereof by the local authority, either at all times or at any specified time or times ; or
- (d) notwithstanding anything in the Act or any instrument under which the trustees are constituted or act, admit persons not owning, occupying, or residing in any house fronting on the open space to the enjoyment of the open space, either at all times or at any specified time or times, and regulate the admission of such persons thereto on such terms and conditions as the trustees think proper.

(2) Where the freehold of the open space and the freehold of all or the greater part of the houses round the open space are vested in the same person the powers conferred by this section shall not be exercised without the consent of that person.

(3) Any such conveyance, transfer, grant, or agreement shall be made, if the trustees are a corporation, by an instrument under the common seal of the trustees, and if the trustees are not a corpora-

tion, by an instrument under the hands and seals of any five of the trustees, or of all the trustees if for the time being they are less than five in number.

(4) Any conveyance, transfer, grant, or agreement under this section shall be deemed a good execution of the trusts, powers, and duties imposed or conferred upon the trustees by the Act or instrument under which they are constituted or act, and where the trustees convey their entire interest in, or transfer the entire care and management of, the open space they shall, on the execution of the conveyance or transfer, be relieved and discharged from all trusts, powers, and duties under the Act or instrument or otherwise with reference to the open space.

(5) The trustees shall hold any purchase money or rent paid for or in respect of the open space in trust for the benefit of the persons or class of persons for whose benefit the open space was previously preserved and managed by the trustees, or, as the case may be, for the benefit of the objects to which any rates previously imposed in respect of the open space had been applied, and such persons or class of persons shall be discharged either absolutely, or, if the grant was for a term of years or other limited interest, during the continuance of that interest, from any special rate or other obligation previously imposed on them in respect of the open space.

3.—(1) Where any land is held by trustees (not being trustees elected or appointed under any local or private Act of Parliament) upon trust for the purposes of public recreation, the trustees may, in pursuance of a special resolution, transfer the land to any local authority by a free gift absolutely or for a limited term, and, if the local authority accept the gift, they shall hold the land on the trusts and subject to the conditions on and subject to which the trustees held the same, or on such other trusts and subject to such other conditions (so that the land be appropriated to the purposes of public recreation) as may be agreed on between the trustees and the local authority with the approval of the Charity Commissioners.

Transfer to local authority of spaces held by trustees for purposes of public recreation.

(2) Subject to the obligation of the land so transferred being used for the purposes of public recreation, the local authority may hold the land as and for the purposes of an open space under this Act.

4.—(1) Where an open space is vested in trustees, other than such as are mentioned in the foregoing provisions of this Act, for any charitable purpose and as part of their trust estate, and it appears to the majority of the trustees that the open space is no longer required for the purposes of their trust, or may with advantage to the trust be dealt with under this section, the trustees may, in pursuance of a special resolution, and where the open space is subject to the Charitable Trusts Acts, 1853 to 1894, with such authority or approval as is required by those Acts for a sale of the open space, and in other cases in pursuance of an order of the court to be obtained as herein-after provided, convey or demise the open space to any local authority on such terms as they may agree, and the local authority shall thenceforth be entitled to hold the same as an open space on the terms and under the conditions specified in the conveyance or demise, or on such terms or under such conditions as may be so authorised or approved, or as the court may from time to time order, as the case may be.

Transfer by charity trustees of open space to local authority.

(2) The court for the purposes of this section shall be either the

High Court or the county court of the district in which the whole or any part of the open space is situate.

(3) An order of the court for the purposes of this section may be made upon application by the trustees, in manner directed by rules of court, and the court, before making any order, may direct such inquiries to be made, such consents to be obtained, and notice to be given to such persons, as to the court seem expedient, and may make such order thereon as in the discretion of the court appears proper.

Transfer to local authority by owners of open spaces subject to rights of user.

5.—(1) Where any open space is subject to rights of user for exercise and recreation in the owners or occupiers, or both, of any houses round or near the same, whether the rights are secured by covenant or not, the owner of the open space may, with the consent, signified by a special resolution, of such owners or occupiers, or both, as the case may require,—

- (a) convey to any local authority his estate or interest in the open space in trust for the enjoyment of the public; or
- (b) grant to any local authority in trust as aforesaid any term of years or other limited interest in or any right or easement over the open space; or
- (c) make an agreement with any local authority for the opening to the public of the open space and the care and management thereof by the local authority either at all times or at any specified times:

and thereupon the owner shall be discharged from any liability to any person entitled to any right of user in respect of any act done in accordance with the consent so given.

(2) Where any person has any term of years or other limited interest in any such open space this section shall apply to him with reference to that interest in like manner as it applies to the owner of the open space.

(3) Where any open space is used as a place of exercise and recreation for the inhabitants of certain houses, and the property and right of user is vested in one or more persons as owners or occupiers of the houses, those owners and occupiers (if any) may convey to a local authority in trust for the public a right to enter upon, use, and enjoy the open space subject to such terms and conditions as may be agreed upon.

Transfer of disused burial grounds to local authority.

6. The owner of any disused burial ground may convey the burial ground to, or grant any term of years or other limited interest therein to, or make any agreement with, any local authority for the purpose of giving the public access to the burial ground, and preserving the same as an open space accessible to the public and under the control of the local authority, and for the purpose of improving and laying out the same.

Power of corporation, etc. to convey land for open space.

7.—(1) Any corporation (other than a municipal corporation) or persons having power, either with or without the consent of any other corporation or persons, to sell any land may, but with the like consent (if any), convey, for or without any consideration, to any local authority that land, or any part thereof, for the purpose of the same being preserved as an open space for the enjoyment of the public under this Act, and may so convey the same with or without conditions, and the local authority may accept the land for that purpose, and, if conditions are imposed, subject to such conditions.

(2) Where a corporation having power under this section to convey land are themselves a local authority, this section shall enable the authority to appropriate their land as an open space for the enjoyment of the public, and shall, with the necessary modifications, apply to the appropriation in like manner as it applies to the conveyance.

(3) Every parish council shall be a local authority for the purposes of this section.

8.—(1) A resolution shall for the purposes of this Act be a special resolution when it has been—

Special resolutions and consents.

(a) passed by a majority of at least two-thirds of the persons present at a meeting summoned as herein-after provided; and

(b) confirmed by another resolution passed by a majority of at least two-thirds of the persons present at a meeting summoned as herein-after provided and held after an interval of not less than one month from the first meeting.

(2) A meeting of trustees for the purposes of this Act shall be summoned by a notice stating generally the object of the meeting, which notice shall be left at, or sent by post, at least one month before the date of the meeting, to the last known or usual place of abode of each trustee.

(3) A meeting of owners and occupiers of houses under this Act shall be summoned by a notice stating generally the object of the meeting, which notice shall be left at, or sent through the post to, each of such houses, at least one month before the date of the meeting, and shall be inserted as an advertisement at least three times in any two or more papers circulating in the neighbourhood.

(4) If at any meeting of trustees or of owners and occupiers under this Act a resolution with respect to an open space is rejected, no meeting of the trustees, or, as the case may be, the owners or occupiers, shall be called or held with the same object and with respect to the same open space until the expiration of three years from the date of the rejection.

(5) A meeting of owners or occupiers of houses for the purposes of this Act shall not be held between the first day of August in one year and the thirty-first day of January in the following year.

POWERS OF LOCAL AUTHORITIES WITH RESPECT TO OPEN SPACES AND BURIAL GROUNDS.

9. A local authority may, subject to the provisions of this Act,—

Power of local authority to acquire open space or burial ground.

(a) acquire by agreement and for valuable or nominal consideration by way of payment in gross, or of rent, or otherwise, or without any consideration, the freehold of, or any term of years or other limited estate or interest in, or any right or easement in or over, any open space or burial ground, whether situate within the district of the local authority or not; and

(b) undertake the entire or partial care, management, and control of any such open space or burial ground, whether any interest in the soil is transferred to the local authority or not; and

- (c) for the purposes aforesaid, make any agreement with any person authorised by this Act or otherwise to convey or to agree with reference to any open space or burial ground, or with any other persons interested therein.

Maintenance of open spaces and burial grounds by local authority.

10. A local authority who have acquired any estate or interest in or control over any open space or burial ground under this Act shall, subject to any conditions under which the estate, interest, or control was so acquired—

- (a) hold and administer the open space or burial ground in trust to allow, and with a view to, the enjoyment thereof by the public as an open space within the meaning of this Act and under proper control and regulation and for no other purpose; and

(b) maintain and keep the open space or burial ground in a good and decent state, and may inclose it or keep it inclosed with proper railings and gates, and may drain, level, lay out, turf, plant, ornament, light, provide with seats, and otherwise improve it, and do all such works and things and employ such officers and servants as may be requisite for the purposes aforesaid or any of them. [*See also* 58 & 59 *Vict. c. cxxix. s. 45 and note thereon.*]

Special provisions as to management of burial grounds and removal of tombstones.

11.—(1) A local authority shall not exercise any of the powers of management under this Act with reference to any consecrated burial ground unless and until they are authorised so to do by the licence or faculty of the bishop.

(2) The playing of any games or sports shall not be allowed in any burial ground in or over which a local authority have acquired any estate, interest, or control under this Act, except that—

- (a) in the case of a consecrated burial ground, the bishop by licence or faculty; and

(b) in the case of any burial ground which is not consecrated, the persons from whom the local authority have acquired the estate, interest, or control in or over the same may expressly sanction any such use of the burial ground, and may specify any conditions as to the extent or nature of such use.

(3) In the case of any disused burial ground, at least three months before removing or changing the position of any tombstone or monument, a local authority shall—

- (a) prepare a statement sufficiently describing by the name and date appearing thereon the tombstones and monuments standing or being in the ground, and such other particulars as may be necessary, and shall cause this statement to be deposited with the clerk of the local authority, and to be open to inspection by all persons; and

(b) insert an advertisement of the intention to remove or change the position of such tombstones and monuments three times at least in some newspaper circulating in the neighbourhood, and by that advertisement give notice of the deposit of the statement herein-before described, and of the place at which and the hours within which the same may be inspected; and

(c) place a notice in terms similar to the advertisement on the door of the church (if any) to which the burial ground is attached, and deliver or send by post a notice to any person known or believed by the local authority to be

a near relative of any person whose death is recorded on any such tombstone or monument.

(4) In the case of a consecrated ground, no tombstone or monument shall be removed or its position changed without a licence or faculty from the bishop, and no application for such licence or faculty shall be made until the expiration of one month at least after the appearance of the last of such advertisements as aforesaid :

Provided that on an application for a licence or faculty nothing shall prevent the bishop from directing or sanctioning the removal or change of position of any tombstone or monument, if he is of opinion that reasonable steps have been taken to bring the intention to effect such removal or change of position to the notice of some person having a family interest in the tombstone or monument.

(5) A licence or faculty for the purposes of this section may be granted by the bishop of the diocese within which the consecrated burial ground is situate on the application of the local authority who have acquired any estate, interest, or control in or over the burial ground, and may be granted subject to such conditions and restrictions as to the bishop may seem fit.

12. A local authority may exercise all the powers given to them by this Act respecting open spaces and burial grounds transferred to them in pursuance of this Act in respect of any open spaces and burial grounds of a similar nature which may be vested in them in pursuance of any other statute, or of which they are otherwise the owners.

13. No estate, interest, or right of a profitable or beneficial nature in, over, or affecting an open space or burial ground shall, except with the consent of the person entitled thereto, be taken away or injuriously affected by anything done under this Act without compensation being made for the same : and such compensation shall be paid by the local authority by whom the estate, interest, or right is taken away or injuriously affected, and shall, in case of difference, be ascertained and provided in the same manner as if the same were compensation for lands purchased and taken otherwise than by agreement or injuriously affected under the Lands Clauses Acts.

14. A county council may purchase or take on lease, lay out, plant, improve, and maintain lands for the purpose of being used as public walks or pleasure grounds, and may support or contribute to the support of public walks or pleasure grounds provided by any person whomsoever.

15.—(1) A local authority may, with reference to any open space or burial ground in or over which they have acquired any estate, interest, or control under this Act, make byelaws for the regulation thereof, and of the days and times of admission thereto, and for the preservation of order and prevention of nuisances therein, and may by such byelaws impose penalties recoverable summarily for the infringement thereof, and provide for the removal of any person infringing any byelaw by any officer of the local authority or police constable.

(2) All byelaws made under this Act by any local authority shall be made—

(a) [*in the case of a county council other than the London County Council, subject and according to the provisions of s. 16 of 51 & 52 Vict. c. 41; and*]

Powers over open spaces and burial grounds already vested in local authority.

Provision for compensation.

Power of county councils as to public walks or pleasure grounds

Byelaws.

18 & 19 Vict.
c. 120.

53 & 54 Vict.
c. cexliii.;
61 & 62 Vict.
c. cexxi.

41 & 42 Vict.
c. cxvii.

(b) in the case of the London County Council, subject and according to the provisions of sections two hundred and two and two hundred and three of the Metropolis Management Act, 1855, as modified with respect to parks and open spaces by the London Council (General Powers) Act, 1890, and the London County Council (General Powers) Act, 1898; and

(c) in the case of the Common Council of the City of London, subject and according to the Corporation of London (Open Spaces) Act, 1878; and

(d) in the case of the council of a metropolitan borough, subject and according to the provisions of sections two hundred and two and two hundred and three of the Metropolis Management Act, 1855; and

(e) [*in the case of a municipal borough or district or parish council, subject and according to the provisions with respect to byelaws in ss. 182—186 of the Public Health Act 1875**].

(3) The trustees or other persons having the care and management of any open space, who in pursuance of this Act admit to the enjoyment of the open space any persons not owning, occupying, or residing in any house fronting thereon, shall have the same powers of making byelaws as are conferred on a committee of the inhabitants of a square by section four of the Town Gardens Protection Act, 1863,* and that section shall apply accordingly.

26 & 27 Vict.
c. 13.

Power of
local authorities to act
jointly.

16. Any two or more local authorities may jointly carry out the provisions of this Act and may make any agreement on such terms as may be arranged between them for so doing and for defraying the expenses of the execution of this Act, and any local authority may defray the whole or any part of the expenses incurred by any other local authority in the execution of this Act.

Expenses
of local
authorities.

17. The expenses of a local authority incurred in the execution of this Act may be defrayed—

(a) in the case of a county council, out of the county fund;

(b) in the case of a metropolitan borough council, as expenses of that council.

[*Part omitted (as to how the expenses of the council of a municipal borough or urban district or of a rural district or parish council are to be defrayed) not applicable to London.*]

Borrowing.

18. A local authority may borrow for the purposes of this Act in the case of a county council as for the purposes of the Local Government Act, 1888†: in the case of a metropolitan borough council as for the purposes of the Metropolis Management Acts, 1855 to 1893. . . . [*Part omitted (as to borrowing by a municipal borough, urban, rural district, or parish council) not applicable to London.*]

SUPPLEMENTAL.

Savings.

19. This Act shall not apply to—

(a) the royal parks; nor

(b) any land belonging to his Majesty in right of his Crown or of his Duchy of Lancaster; nor

(c) any garden, ornamental ground, or ornamental land for the

* See Appendix.

† As regards the London County Council see 51 & 52 Vict. c. 41, s. 40 (9).

- time being under the management of the Commissioners of Works or of the Commissioners for the time being acting under the Crown Estate Paving Act, 1851; nor
 (d) any metropolitan common within the meaning of the Metropolitan Commons Acts, 1866 to 1898; nor
 (e) any land belonging to either of the honourable Societies of the Inner Temple and Middle Temple.

20. In this Act, unless the context otherwise requires,—

Definitions.

The expression “open space” means any land, whether inclosed or not, on which there are no buildings or of which not more than one-twentieth part is covered with buildings, and the whole or the remainder of which is laid out as a garden or is used for purposes of recreation, or lies waste and unoccupied:
 The expression “Common Council of the City of London” means the mayor, aldermen, and commons of the city of London in Common Council assembled:

The expression “owner”—

- (a) used in relation to an open space (not being a burial ground), means any person in whom the open space is vested for an estate in possession during his life or for any larger estate;
 (b) used in relation to a house, includes any person entitled to any term of years in the house;
 (c) used in relation to a burial ground, means the person in whom the freehold of the burial ground is vested whether as appurtenant or incident to any benefice or cure of souls or otherwise:

The expression “occupier,” used in relation to a house, means the person rated to the relief of the poor in respect of the house:

The expression “burial ground” includes any churchyard, cemetery, or other ground, whether consecrated or not, which has been at any time set apart for the purpose of interment:

The expression “disused burial ground” means any burial ground which is no longer used for interments, whether or not the ground has been partially or wholly closed for burials under the provisions of a statute or Order in Council:

The expression “building” includes any temporary or movable building.

21. [*Application of the Act to Ireland.*]

Extent.

22. This Act shall not extend to Scotland.

23. The Acts mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that—

- (a) Nothing in this repeal shall affect the validity or operation of any byelaw made under any enactment so repealed, but all such byelaws shall continue in force as if made under that Act, and may be revoked and altered accordingly; and
 (b) [*Repeal not to affect orders of county councils investing parish councils with the powers of the Open Spaces Acts 1877—to 1890. Not applicable to London.*]

24. This Act shall come into operation on the first day of January nineteen hundred and seven.

Commencement of Act.

25. This Act may be cited as the Open Spaces Act, 1906.

Short title.

SCHEDULE.

ENACTMENTS REPEALED.

Section 23.

Session and Chapter.	Short Title.	Extent of Repeal.
40 & 41 Vict. c. 35.	The Metropolitan Open Spaces Act, 1877.	The whole Act.
44 & 45 Vict. c. 34.	The Metropolitan Open Spaces Act, 1881.	The whole Act.
50 & 51 Vict. c. 32.	The Open Spaces Act, 1887 .	The whole Act except so much of section four as amends the Disused Burial Grounds Act, 1884.
53 & 54 Vict. c. 15.	The Open Spaces Act, 1890 .	The whole Act.
62 & 63 Vict. c. 30.	The Commons Act, 1899 .	Section seventeen.

CHAPTER XI.

AN ACT TO PROVIDE FOR THE WINDING UP AND DISSOLUTION OF
THE NORTH METROPOLITAN TRAMWAYS COMPANY AND FOR
OTHER PURPOSES. [29th May 1906.]

[*Preamble recites that the North Metropolitan Tramways Company (in this Act called "the Company") were incorporated by the North Metropolitan Tramways Act 1869 ; and that on the 17th August 1905 the Company entered into an agreement with the London County Council (in this Act called "the Council") with reference (inter alia) to the surrender by the Company to the Council of a certain lease dated the 14th October 1897 (in this Act called "the said lease").*]

Short title. 1. This Act may be cited as the North Metropolitan Tramways (Winding up) Act 1906.

Surrender of lease. 2. The agreement which (with the exception of the schedules thereto) is set forth in the schedule to this Act (in this Act referred to as "the scheduled agreement") is hereby confirmed and made binding on the parties thereto and the said lease shall be surrendered by the Company to the Council subject to and in accordance with the provisions of the scheduled agreement.

Receipt of Company to be discharge to Council. 3. The receipt of the Company shall be a sufficient discharge to the Council for any purchase or other moneys paid to the Company by the Council under or in pursuance of the scheduled agreement notwithstanding the existence of any mortgage debenture charge or other incumbrance affecting the undertaking of the Company or any part thereof or affecting the tramways or other property agreed to be surrendered or sold to the Council by the scheduled agreement or any part thereof respectively Provided always that nothing herein contained shall prejudice or affect any rights or claims of any mortgagee debenture holder or other incumbrancer of the Company against any such moneys.

4—7. [*Provisions relating to the capital and dissolution of the Company, the registration of this Act with the Registrar of Joint Stock Companies, and as to the expenses of obtaining this Act.*]

The SCHEDULE referred to in the foregoing Act.

This INDENTURE made the seventeenth day of August one thousand nine hundred and five between the LONDON COUNTY COUNCIL (herein-after called "the Council") of the first part the NORTH METROPOLITAN TRAMWAYS COMPANY (herein-after called "the North Metropolitan Company") of the second part and the METROPOLITAN ELECTRIC TRAMWAYS LIMITED (herein-after called "the Metropolitan Electric Company") of the third part.

Stamp.

Ten
Shillings.

[Recitals that the North Metropolitan Company were, prior to the 13th December 1903, owners of certain lines of tramways made in the public highways, namely:—

- (A) A tramway (herein-after called "the Stamford Hill Tramway") in Stamford Hill in the parish of Hackney, being the tramway on that portion of Stamford Hill which lies between Amhurst Park Road and the boundary between the counties of Middlesex and London, which said tramway is on the road coloured brown on the plan hereunto annexed;
- (B) A tramway (herein-after called "the Green Lanes Tramway") in the parish of Stoke Newington, being the tramway on that portion of Green Lanes which lies between Seven Sisters Road and the said county boundary near Hermitage Road, which said tramway is on that part of Green Lanes coloured blue on the said plan;
- (C) A tramway (herein-after called "the Seven Sisters Road Tramway") in Seven Sisters Road in the parish of Stoke Newington, being the tramway on that portion of Seven Sisters Road which lies between Green Lanes and the said county boundary near Amhurst Park Road, which said tramway is on that part of Seven Sisters Road coloured blue on the said plan;
- (D) A tramway (herein-after called "the Boundary Tramway") being the tramway on that portion of Seven Sisters Road lying between Stroud Green Road and Green Lanes, and which is coloured purple on the said plan;

And that the Stamford Hill Tramway, the Green Lanes Tramway, and the Seven Sisters Road Tramway are entirely in the county of London, and the Boundary Tramway is partly in the county of London and partly in the county of Middlesex, and that the boundary of the county runs between the two tramway tracks down the centre of that part of Seven Sisters Road in which the Boundary Tramway is laid; and that an indenture of agreement was made on the 5th December 1891 between the Council of the one part and the North Metropolitan Company of the other part (which said agreement was scheduled to and confirmed by the North Metropolitan Tramways Act 1892); and that by s. 4 of the North Metropolitan Tramways Act 1897 the North Metropolitan Company were authorised to construct (inter alia) a double line of tramway (therein called Tramway No. 15) in lieu of the then present single line with passing places in Seven Sisters Road commencing at a point about two chains west of Green Lanes and terminating at the junction of Seven Sisters Road with Tottenham High Street, part of which double line of tramway consists of the Seven Sisters Road Tramway herein-before mentioned, and were also by the said Act authorised to construct a double line of tramway (therein called Tramway No. 16) in lieu of the then present single line with passing places in Green Lanes between a point about two chains south of Seven Sisters Road and the termination of the tramway at Wood Green, part of which double line of tramway consists of the Green Lanes Tramway herein-before mentioned; and that by s. 22 of the North Metropolitan Tramways Act 1897 the carriages used on the tramways by that Act authorised or any tramways for the time being leased to or run over, worked, or used by the North Metropolitan Company might be moved by animal power or, subject to the provisions therein contained and (as regards any tramways in the county of London) to the agreement set forth in the First Schedule to the Act, by mechanical power, and by the same section it was provided (inter alia) that mechanical power should not be used except with the consent of the Board of Trade; and that by s. 24 of the North Metropolitan Tramways Act 1897 the North Metropolitan Company were authorised to lay down, construct, erect and maintain such of the works specified in the said section as might be necessary or convenient either for working the tramways by that Act authorised or any tramways for the time being leased to or run over by the Company or for providing access to or forming connections with any generating stations, engines, machinery or apparatus. Provided that the powers of the said section should not be exercised in any place within the administrative county of London, and by s. 50 of the said Act it was enacted that the tramways should be completed within two years from the passing of the Act, and on the expiration of that period the powers by the Act granted to the said Company for constructing the tramways or otherwise in relation thereto should cease except as to

so much thereof as should then be completed: and that by s. 31 of the North Metropolitan Tramways Act 1897 the agreement of the 27th May 1897 set forth in the First Schedule to the Act was thereby confirmed and made binding upon the parties thereto: and that by clause 10 of the said agreement it was provided that the North Metropolitan Company should construct such of the tramways in the county of London mentioned in two Bills then being promoted by them (being the two Bills afterwards consolidated into the North Metropolitan Tramways Act 1897) as the Council should by writing under their seal direct but no others or other, and that the North Metropolitan Company should sell and the Council should purchase such tramways when completed at the price therein mentioned, and that such tramways should thereupon be made subject to the lease to be granted as therein mentioned being the lease of 1897 herein-after referred to: and that by an indenture dated the 14th October 1897 (herein-after called "the lease of 1897") and made between the Council of the one part and the North Metropolitan Company of the other part the Council demised to the North Metropolitan Company (inter alia) certain tramways in the county of London (therein-after called "the tramways") which did not include any part of the Stamford Hill Tramway, Green Lanes Tramway, Seven Sisters Road Tramway, and Boundary Tramway for a term expiring on the 24th June 1910: and that the rents payable under the lease of 1897 included (thirdly) a yearly rent to be payable and paid on the 25th March in each year equal to $12\frac{1}{2}$ per cent. of the amount by which the gross receipts during the year ended on the previous 31st December from all the existing lines of tramway for the time being of the North Metropolitan Company within and outside the county of London (including the tramways thereby demised and any tramway outside such county thereafter purchased by the local authority having power in such behalf and subsequently demised to the North Metropolitan Company) exceeded the gross receipts from such lines and tramways for the year 1895 (which last-mentioned gross receipts were thereby declared and agreed to have been the sum of £616,872 5s. 7d.), and (fourthly) all such further or additional rents as might thereafter become payable in pursuance of the clause numbered 27 therein-after contained: and that by the lease of 1897 the North Metropolitan Company covenanted that they would not use steam, cable, electric or any power other than animal power upon the tramways or any part thereof unless they should have first obtained the special permission of the Council in writing under their seal: and that they would at all times during the continuance of the demise repair, maintain, and renew or reconstruct the tramways as and when necessary and to the satisfaction of the chief engineer of the Council: and that they would provide a fund to be applied in or towards the renewal or reconstruction of the tramways by them by setting apart every half-year part of the receipts of the North Metropolitan Company, so that during each of the first four periods of three years of the term thereby granted the sum set apart should not be less than £37,500, and in each of the last two years of such term the sum set apart should not be less than £12,500, and that during the said periods of three years not less than £12,500 should if practicable be set apart in each year, and that the fund so to be provided should be invested in the joint names of the Council and the North Metropolitan Company in stock transferable in the books of the Bank of England, the interest or dividends of the fund so provided and not for the time being applied for the purpose aforesaid to be accumulated in the way of compound interest and invested as aforesaid: and that by the said lease the Council might from time to time give notice to the North Metropolitan Company of any want of repair or renewal or reconstruction coming within the covenants in that behalf of the said Company therein-before contained, and might require the said Company forthwith to execute the same, and that the said Company covenanted that they would upon receipt of any such notice forthwith at their expense execute such repairs and renewals and reconstruction and complete the same to the satisfaction of the Council: and that by the said lease it was covenanted, agreed, and declared that in the event of the Council deciding to adopt electrical or other mechanical power on the whole or part of the tramways the Council or the North Metropolitan Company at the option of the former should so far as might be necessary for that purpose reconstruct in the first instance the permanent way, the Council in either case paying the cost, and provision was therein made for the payment of rents after the reconstruction of the lines: and that the North Metropolitan Company also covenanted that they would if required by the Council so to do work on similar terms and conditions to those in the lease and for a term expiring at Midsummer 1910 any additional lines of tramways that might be purchased or constructed by the Council during the continuance of the demise in connection with the lines of tramway thereby demised, and would pay to the Council in respect thereof a rent equal to 8 per cent. per annum upon the total cost certified as therein mentioned of purchase or construction and from the dates therein mentioned, and further that for the purpose of computing the amount of the rent by the redundancy of the lease thirdly reserved as from the time of any such additional line

or lines being so purchased or constructed and worked by the North Metropolitan Company there should be added to the amount as therein-before specified and agreed of the aforesaid gross receipts in 1895 in respect of each extension constructed or line purchased by the Council after the date of the lease and worked by the North Metropolitan Company such sums as are specified in the thirty-second covenant of the said lease for the several years respectively therein mentioned; and that by s. 26 of the London County Tramways (Electrical Power) Act 1900 the proviso to s. 24 of the North Metropolitan Tramways Act 1897 as herein-before recited was repealed; and that the Council on the 20th November 1901 gave to the North Metropolitan Company notice in writing that the Council intended in pursuance of the power reserved by the twenty-seventh of the said covenants to adopt electrical power for working the tramways the subject of the lease of 1897; and that on the 2nd December 1902 the Highways Committee of the Council gave to the North Metropolitan Company notice in writing that they intended to recommend that the work of reconstruction of such last-mentioned tramways should be carried out by the Council itself under the provisions of clause 27 of the lease of 1897 and the powers conferred by the London County Tramways (Electrical Power) Act 1900; and that on the same date the Council by notice in writing requested the North Metropolitan Company to state in writing what steps the North Metropolitan Company proposed to take to reconstruct forthwith the tramways specified in the schedule to such notice; and that on the 6th April 1903 the Council gave to the North Metropolitan Company notice in writing that the tramways referred to in the schedule thereto, being part of the tramways demised by the lease of 1897, were found to be in want of repair or renewal, and that the Council required the North Metropolitan Company to forthwith execute the repairs referred to in the first part of the said schedule and the renewals referred to in the second part of the said schedule and to complete the same to the satisfaction of the Council; and that the tramways referred to in the last-mentioned notice were included among the tramways referred to in the said notices of the 20th November 1901 and the 2nd December 1902; and that negotiations have taken place between the Council and the North Metropolitan Company with regard to the execution of the repairs and renewals referred to in the said notice of the 6th April 1903, and the North Metropolitan Company (while willing to execute and having in fact executed such repairs) have contended and still contend that the execution of such renewals is unnecessary and would involve fruitless expenditure if the tramways referred to in the said notice of the 6th April 1903 are reconstructed for the purpose of adopting electrical power pursuant to the said notices of the 20th November 1901 and the 2nd December 1902; and that the North Metropolitan Company, pursuant to the sixteenth of the said covenants, have set apart from time to time a part of their receipts to provide a fund to be applied in or towards the renewal or reconstruction of the tramways demised by the lease of 1897; and that the unexpended balance of the said fund now consists of a sum of £12,291 2s. 4d. Colonial stocks standing in the joint names of the Council and the North Metropolitan Company, and that by clause 36 of the lease of 1897, it was provided that the sum of £50,000, which had been deposited by the North Metropolitan Company with the Council as security for the due payment of the rents reserved by and the performance and observance of the covenants, agreements, and conditions contained in the said lease, should be invested by the Council in their name in Metropolitan 2½ per cent. consolidated stock, and that the dividends or interest arising from such investment should subject as therein provided be paid to the North Metropolitan Company as the same should accrue due; and that the said sum of £50,000 was duly invested by the Council in the purchase of £49,689 7s. 6d. of the said stock and the dividends or interest on the said stock have from time to time been received by the Council and re-invested by them and are now represented by the sum of £11,349 4s. 1d. of the said stock; and that under the London County Tramways Act of 1900 the Council have constructed a tramway therein described as Tramway No. 1 in Constantine Road and Agincourt Road, in the parish of Saint John, Hampstead, in the county of London, which said tramway (herein-after called the Agincourt Road Tramway) is connected at both ends with one of the tramways demised by the lease of 1897 and has been worked since the opening thereof on the 1st August 1901 by the North Metropolitan Company pursuant to the thirty-second covenant aforesaid; and that questions have arisen between the Council and the North Metropolitan Company as to the rent payable pursuant to the said thirty-second covenant in respect of the Agincourt Road Tramway, and doubts have been raised as to the meaning and effect of the said thirty-second covenant; and that the North Metropolitan Company have constructed (at the expense of the Council) a crossover tramway in Upper Clapton Road in the parish of Hackney in the county of London (herein-after called the Upper Clapton Road Crossover), and by an indenture of the 30th March 1905 made between the Council and the North Metropolitan Company, it was agreed that the said Upper Clapton Road Crossover should be treated as an

additional line constructed by the lessors within the meaning of the thirty-second covenant aforesaid, and that the North Metropolitan Company should pay to the Council in respect thereof the rent specified in the said indenture: and that in May 1903 the Board of Trade, acting under s. 22 of the North Metropolitan Tramways Act 1897, gave their consent to the use of electrical power for working the Stamford Hill Tramway, the Green Lanes Tramway, the Seven Sisters Road Tramway, and so much of the Boundary Tramway as is within the county of London: and that by an indenture of the 30th December 1903, and made between the North Metropolitan Company and the Metropolitan Electric Company, the North Metropolitan Company, with the sanction of the Board of Trade and pursuant to s. 44 of the Tramways Act 1870, assigned unto the Metropolitan Electric Company the undertaking of the Stamford Hill Tramway, the Green Lanes Tramway, and the Seven Sisters Road Tramway, and so much of the Boundary Tramway as is situate within the county of London: and that on the 31st October 1903 an action was commenced in the King's Bench Division of the High Court of Justice between His Majesty's Attorney-General at and by the relation of the Council and the Council as plaintiffs and the North Metropolitan Company as defendants and the said action is now pending: and that the plaintiffs' claim by their writ in the said action was for a declaration that the proposal to apply a system of supplying electrical energy to certain tramways worked by the defendants (being the tramways subsequently granted, conveyed, and assigned to the Metropolitan Electric Company as aforesaid) and to construct the works necessary for such system was illegal and not authorised by the North Metropolitan Tramways Act 1897 or any other statute in that behalf and would create a public nuisance by obstructing the highways and would constitute breaches of covenants by the defendants with the Council contained in the said agreements in the First Schedule to the North Metropolitan Tramways Act 1902 and in the First Schedule to the North Metropolitan Tramways Act 1897 respectively and which were confirmed and made binding upon the parties thereto by the said Acts respectively, and the plaintiffs claimed an injunction restraining the defendants from further proceeding with or using the said proposed system of supplying electrical energy to the said tramways and from constructing the works necessary for such system and from committing breaches of the said covenants: and that on the 16th February 1904 the Metropolitan Electric Company were added as defendants to the said action: and that by their amended statement of claim in the said action the plaintiffs claimed against both defendants a declaration and injunction similar to that claimed by the writ against the North Metropolitan Company, and claimed such relief on the grounds that the time for completing the works authorised by s. 24 of the North Metropolitan Tramways Act 1897 had expired, and that the working of the said tramways by the proposed system of supplying electrical energy would be a breach of a covenant by the North Metropolitan Company contained in the said indenture of the 5th December 1891, and that the working by the said proposed system of so much of the said tramways in Green Lanes and Seven Sisters Road as is wholly within the county of London would be a breach by the defendants so working the said tramways of clause 10 of the said agreement of the 27th May 1897: and that the said defendants in their joint defence disputed the title of the plaintiffs or either of them to any of the relief so claimed and also disputed the said alleged grounds therefor, and insisted, as they still insist, on the right of the said defendants to construct the works necessary for the electrification of the said tramways and to work the same by electric traction without obtaining the consent of the Council: and that all the instruments, documents, writs, and pleadings herein-before in these recitals mentioned or referred to are to be deemed to have been recited in full, so that their contents may be treated as fully appearing by recital herein.]

Now this indenture witnesseth that in order to put an end to the said action and to settle or remove the questions and doubts herein-before referred to as having arisen between the Council and the North Metropolitan Company the parties hereto so far as they are respectively interested in the subject-matter of this agreement hereby mutually agree as follows:—

1. The North Metropolitan Company shall on the first day of April one thousand nine hundred and six surrender to the Council and the Council shall on the same date accept the surrender of the lease of one thousand eight hundred and ninety-seven and all and singular the premises expressed to be demised by the lease of one thousand eight hundred and ninety-seven or such of the same premises as on the said first day of April one thousand nine hundred and six still remain subject to the lease of one thousand eight hundred and ninety-seven and also the Agincourt Road Tramway the Upper Clapton Road Crossover and all other (if any) additions to the tramways demised by the lease of one thousand eight hundred and ninety-seven which may be worked by the North Metropolitan Company under the lease of one thousand eight hundred and ninety-seven to the intent that the said lease and the several terms of years

subsisting in the said premises respectively by virtue of the lease of one thousand eight hundred and ninety-seven and all other rights and interests thereby created and all the covenants and obligations of the lessees thereunder may thenceforth absolutely cease determine and be void. The said surrender shall be in such form as the Council and the North Metropolitan Company shall mutually agree upon as being necessary or proper. If any dispute or question shall arise as to the form or contents of the said surrender the same shall be referred to some counsel to be nominated in case the parties differ as to the selection by the President for the time being of the Incorporated Law Society on the request of either party. A duplicate of such surrender shall at the request and cost of the North Metropolitan Company be executed by the Council and delivered to the Company.

2. The North Metropolitan Company shall sell as on and from the said first day of April one thousand nine hundred and six and the Council shall purchase—

Firstly The said Company's interest in the several leases under-leases and tenancies described in the First Schedule hereto :

Secondly The office furniture and fittings an inventory whereof has for the purpose of identification been signed by the respective solicitors of the North Metropolitan Company and the Council :

Thirdly The horses cars harness stable utensils tools and plant whatsoever on the said first day of April one thousand nine hundred and six belonging to the North Metropolitan Company used in connexion with or for the purposes of the tramways hereby agreed to be surrendered or any of such tramways. All horses carriages tarpaulins coverings harness stable utensils tools and plant provided for in the covenants in the lease of one thousand eight hundred and ninety-seven are included in this purchase. Any question arising as to what animals or articles are included in the purchase shall be settled by Mr. John Young the late manager of the Glasgow Corporation Tramways or failing him by some other person to be mutually agreed upon or failing agreement by some person to be nominated by the Board of Trade :

Fourthly The forage and consumable stock on the said first April one thousand nine hundred and six belonging to the North Metropolitan Company in connexion with or for the purposes of the aforesaid tramways or any of such tramways.

3. The consideration to be paid by the Council to the North Metropolitan Company for the surrender and sale aforesaid shall be (A) In respect of the surrender and the premises firstly and secondly herein-before in clause 2 described the sum of one hundred and twenty thousand pounds subject to such increase or reduction (if any) as herein-after mentioned (B) In respect of the premises thirdly in clause 2 herein-before described the amount at which the same shall be valued as herein-after provided (C) In respect of the premises fourthly in clause 2 herein-before described the cost price thereof to the North Metropolitan Company.

4. The valuation of the premises thirdly in clause 2 herein-before described as part of a going concern shall (unless otherwise agreed) be made in the manner provided by clause 31 of the lease of one thousand eight hundred and ninety-seven by some person to be mutually agreed upon or failing agreement by some person to be nominated by the Board of Trade and the North Metropolitan Company and the Council shall respectively take or concur in all such steps as may be necessary or proper to ensure that such valuation shall be completed on or before the said first day of April one thousand nine hundred and six. The value of the same premises is estimated by the North Metropolitan Company at the sum of three hundred and fourteen thousand five hundred and eighty-six pounds and in the event of the amount of such valuation exceeding or falling below the amount of such estimate four times four per cent. of the difference shall in the event of the valuation exceeding the estimate be deducted from and in the event of the valuation falling below the estimate be added to the aforesaid sum of one hundred and twenty thousand pounds.

5. The North Metropolitan Company shall a reasonable time before April first one thousand nine hundred and six furnish to the Council all such information as the Council shall reasonably require to enable the Council to ascertain on or before the said first day of April one thousand nine hundred and six the price payable in respect of the premises fourthly in clause 2 herein-before described.

6. The consideration money payable in respect of the surrender and of the premises firstly and secondly described in clause 2 hereof shall be paid by the Council to the North Metropolitan Company or as the Company shall direct on or before the said first day of April one thousand nine hundred and six at the

office of the said Company's solicitor Mr. Hugh C. Godfray 42 Finsbury Square in the county of London at which time and place the surrender and the purchase of the premises firstly and secondly described in clause 2 hereof shall be completed. If by reason of the valuation referred to in paragraph 4 hereof not being completed by the first of April one thousand nine hundred and six it shall not be possible to rectify the aforesaid sum of one hundred and twenty thousand pounds in accordance with the provisions of paragraph 4 hereof then the whole of the said sum of one hundred and twenty thousand pounds shall be paid to the North Metropolitan Company on the said first of April one thousand nine hundred and six and any necessary rectification of this sum shall be made good by addition to or deduction from (as the case may be) the amount payable to the North Metropolitan Company for the premises thirdly and fourthly in clause 2 herein-before described.

7. Possession of the several premises agreed to be surrendered or sold as aforesaid shall be retained and the outgoing discharged by the North Metropolitan Company up to the said first day of April one thousand nine hundred and six from which day all outgoing shall be discharged by and possession and the rents and profits accruing therefrom shall belong to the Council and all rents profits and outgoing including any rates and taxes made before but not demanded till after that day shall if necessary be apportioned for the purposes of this clause. If from any cause whatever (other than the default of the North Metropolitan Company or of their mortgagees (if any)) the surrender and the purchase of the premises firstly and secondly described in clause 2 hereof shall not be completed on or by the said first day of April one thousand nine hundred and six the Council shall pay to the North Metropolitan Company interest on the said sum of one hundred and twenty thousand pounds so increased or reduced as aforesaid at the rate of four pounds per cent. per annum from that day until the completion of the purchase.

8. On payment of the consideration money in respect of the surrender and of the premises firstly and secondly described in clause 2 hereof the Council shall be entitled to the surrender herein-before agreed upon and to an assignment of the North Metropolitan Company's interest in the several leases underleases and tenancies aforesaid and to delivery of such of the premises agreed to be sold as are capable of transfer by delivery. The North Metropolitan Company shall within one calendar month of the date of this indenture deliver to the Council an abstract of their title to the said premises. Every such assignment as aforesaid shall be prepared by and at the expense of the Council and the draft of every such assignment shall be left not less than twenty-eight days and the engrossment thereof shall be left not less than seven days before the said first day of April one thousand nine hundred and six at the office aforesaid for perusal and execution by or on behalf of the North Metropolitan Company.

9. The consideration money payable for the premises thirdly and fourthly described in clause 2 hereof shall be paid by the Council to the North Metropolitan Company or as the Company shall direct on or before the said first day of April one thousand nine hundred and six at the said office of the said Company's solicitor. If the amount of the consideration money shall not then have been ascertained as herein-before provided such consideration money shall be paid within fourteen days from the date when the amount thereof shall have been ascertained but the Council shall as from the first of April one thousand nine hundred and six be entitled to possession of the premises thirdly and fourthly described in clause 2 hereof or if from any cause whatever (other than the default of the North Metropolitan Company or of their mortgagees (if any) or of the Metropolitan Electric Company) the said consideration money shall not be paid on the first April one thousand nine hundred and six the Council shall pay to the North Metropolitan Company interest on the said consideration money at the rate of four pounds per centum per annum from the said day until payment thereof.

10. The Council shall as on and from the said first day of April one thousand nine hundred and six take over and duly perform and fulfil all the contracts specified in the Second Schedule hereto as shall be current at that date and in addition all such contracts as shall have been made with the consent in writing of the Council under the hand of their clerk by the North Metropolitan Company in the ordinary course of their business in relation to the tramways aforesaid or any of them and shall keep the said Company indemnified against all actions proceedings claims demands costs damages and expenses whatsoever in respect of the acts and defaults of the Council in relation to any such contract. The North Metropolitan Company shall whenever required so to do by notice in writing given by the Council under the hand of their clerk give all necessary notices to determine any of the contracts referred to in this paragraph and

shall not determine any of the said contracts without the consent in writing of the Council under the hand of their clerk.

11. The North Metropolitan Company shall afford to the Council all such access to the tramways aforesaid or any of them and other facilities as the Council shall before the said first day of April reasonably require (not involving any breach by the said Company of their statutory or other obligations in relation to the said tramways or any unnecessary interference with the traffic thereon) to enable the Council to commence immediately after that date and the completion of the purchase the reconstruction of the said tramways for electrical traction.

12. The North Metropolitan Company shall also permit the Council forthwith to proceed with the reconstruction for electrical traction of so much of the tramways aforesaid as are situate in Goswell Road as shall be necessary to enable such reconstruction to be carried out simultaneously with the paving works in connexion with the street improvements now being carried out in that road by the Council so as such reconstruction do not involve any such breach of obligation or unnecessary interference with traffic as mentioned in the last preceding clause hereof.

13. Until the said first day of April one thousand nine hundred and six the provisions of the lease of one thousand eight hundred and ninety-seven shall (subject as herein-after provided) remain in full force and effect.

14. The Council shall forthwith on the execution hereof transfer to the North Metropolitan Company the said sums of forty-nine thousand six hundred and eighty-nine pounds seven shillings and sixpence and eleven thousand three hundred and forty-nine pounds four shillings and one penny Metropolitan Two-and-a-half per Cent. Consolidated Stock and twelve thousand two hundred and ninety-one pounds two shillings and fourpence Colonial stocks together with all accrued interest or dividends thereon.

15. The Council hereby withdraws the said notice of the second day of December one thousand nine hundred and two referring to the reconstruction of certain tramways specified in the schedule to such notice and also the said notice of the sixth day of April one thousand nine hundred and three and the North Metropolitan Company is hereby released and discharged from all liability under the lease of one thousand eight hundred and ninety-seven to reconstruct the tramways included in or subject to the lease of one thousand eight hundred and ninety-seven for electrical traction the intention being that any such reconstruction for electrical traction shall be carried out by the Council at their own expense (if and whenever the Council consider it necessary to do so) but the North Metropolitan Company shall not in the meantime before reconstruction and before first April one thousand nine hundred and six be relieved from their liability to repair and maintain such tramways.

16. The North Metropolitan Company is hereby released and discharged from the obligation to comply with the provisions of the sixteenth covenant of the lease of one thousand eight hundred and ninety-seven.

17. If before the electrification of the tramways aforesaid by the Council or before the thirty-first day of March one thousand nine hundred and six whichever shall first happen it shall become necessary in order to comply with the said lease to renew or reconstruct for horse traction any of the tramways included in or subject to the lease of one thousand eight hundred and ninety-seven and the Council shall call upon the North Metropolitan Company in exercise of any rights so to do derived from or under the lease aforesaid to carry out such renewal or reconstruction it shall be lawful for the North Metropolitan Company at any time after April first one thousand nine hundred and six as and when the said tramways are altered by the Council for electrical traction to remove the rails employed in such renewal and reconstruction for horse traction as aforesaid and to retain the same for their own benefit and without making any payment whatever therefor. Provided always that if any difference shall arise between the Council and the North Metropolitan Company as to the necessity of compliance with any requirement of the Council for the renewal or reconstruction for horse traction of any such tramway by the North Metropolitan Company such difference shall be referred to and determined by arbitration under the provisions of the Arbitration Act 1889 and provided also that upon any reference to arbitration under this clause the arbitrator shall in deciding as to the necessity of such compliance take into account the fact that the Council intend to adopt electrical power for working the tramways included in or subject to the lease of one thousand eight hundred and ninety-seven and to themselves reconstruct such tramways for electrical traction under the provisions of clause 27 of the said lease.

18. The North Metropolitan Company shall as from the first day of August

one thousand nine hundred and one to the thirty-first day of March one thousand nine hundred and six pay to the Council in respect of the Agincourt Road Tramway the following annual rent (viz.) two hundred and sixty-two pounds five shillings and eightpence being eight per cent. per annum upon the total cost (including the expenses incurred in obtaining parliamentary powers and other incidental expenses) as certified by the comptroller of the Council of the purchase or construction of the Agincourt Road Tramway and the arrears (if any) of such rent due at the date of these presents shall be payable on the signing of this agreement to the Council by the North Metropolitan Company and the rent accruing due after the date of these presents shall be payable by equal quarterly payments on the quarterly days specified in the lease of one thousand eight hundred and ninety-seven :

And it is hereby further agreed and declared that for the purpose of computing the amount of the rent by the *reddendum* of the lease of one thousand eight hundred and ninety-seven thirdly reserved as from the first day of August one thousand nine hundred and one until the thirty-first day of March one thousand nine hundred and six there shall be added to the amount as therein specified and agreed of the gross receipts in one thousand eight hundred and ninety-five in respect of the Agincourt Road Tramway sums calculated at the rate of two thousand pounds per mile for the year ending the thirty-first day of July one thousand nine hundred and two of two thousand seven hundred and fifty pounds per mile in the year ending the thirty-first day of July one thousand nine hundred and three of three thousand five hundred pounds per mile in the year ending the thirty-first day of July one thousand nine hundred and four of four thousand two hundred and fifty pounds per mile in the year ending the thirty-first day of July one thousand nine hundred and five and of three thousand three hundred and thirty-three pounds per mile for the period August first one thousand nine hundred and five to March thirty-first one thousand nine hundred and six (inclusive) and the rents to be paid and the sums to be added to the said agreed amount of the gross receipts of one thousand eight hundred and ninety-five in respect of the Agincourt Road Tramway under this clause shall be taken in full satisfaction of and be substituted for the rents to be paid and the sums (if any) to be added to the amount of the said gross receipts in respect of the Agincourt Road Tramway under the thirty-second covenant of the lease of one thousand eight hundred and ninety-seven. The arbitration proceedings now pending between the North Metropolitan Company and the Council with regard to the Agincourt Road Tramway shall be forthwith stayed each party paying their own costs in such proceedings.

19. The said action now pending in the King's Bench Division of the High Court of Justice shall be dismissed upon the terms that every party to the action shall pay their own costs in such action and shall be bound by the provisions of these presents and the Council will use their best endeavours to obtain the consent of the Attorney-General to such dismissal and any party hereto shall be at liberty to apply for and obtain such dismissal without the production of any further or other assent than the production of this indenture and without further proof of the assent of the Attorney-General.

20. The Council shall not until the tenth day of August one thousand nine hundred and ten exercise the power of purchase over the Stamford Hill Tramway given to them by the Tramways Act 1870* section 43 except in the case of any order made by the Board of Trade under sections 41 or 42 of the said Act but after the said tenth August one thousand nine hundred and ten upon the terms and subject to the conditions specified in section 43 of the said Act the Council shall be entitled to purchase the Stamford Hill Tramway And (subject to the sanction of Parliament and to the consent in writing of the corporation of Hornsey being obtained which consent the Metropolitan Electric Company will use their best endeavours to obtain forthwith) the Metropolitan Electric Company and all other necessary parties (if any) will after August tenth one thousand nine hundred and ten transfer the Boundary Tramway to the Council at a price to be settled in case of difference by arbitration and in accordance with the provisions of section 43 of the Tramways Act 1870.*

21. In consideration of the premises the Council for themselves and their successors covenant with the Metropolitan Electric Company their successors and assigns that the Council and their successors will not until the thirty-first day of December one thousand nine hundred and thirty in any way exercise the power of purchase over the Green Lanes Tramway and the Seven Sisters

* See Appendix.

Road Tramway or either of them which is conferred upon the Council by section 43 of the Tramways Act 1870 * except in the case of any order being made by the Board of Trade under sections 41 or 42 of the said Act.

In witness whereof the Council and the companies parties hereto of the second and third parts have caused their respective common seals to be affixed hereunto the day and year first above written.

Sealed by order

G. L. GOMME
Clerk of the Council.



The common seal of the North Metropolitan Tramways Company was hereunto affixed in the presence of

ERNEST HAWKINS }
JAMES DEVONSHIRE } Directors.
W. P. FARQUHARSON Secretary.



The common seal of the Metropolitan Electric Tramways Limited was hereunto affixed in the presence of

JAMES DEVONSHIRE }
GEO. RICHARDSON } Directors.
A. L. BARBER, Secretary.



CHAPTER LXXXVI.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO ACQUIRE LANDS FOR COUNTY OFFICES AND TO CONSTRUCT AN EMBANKMENT IN THE RIVER THAMES AND FOR OTHER PURPOSES.

[20th July 1906.]

[*Preamble.*]

1. This Act may be cited as The County Office Site (London) short title. Act 1906.

2. The Lands Clauses Acts are (except section 127 of The Lands Clauses Consolidation Act 1845 and except where expressly varied by this Act) incorporated with and form part of this Act.

3. In this Act the several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction :

Provided that for the purposes of this Act the expressions "the promoters of the undertaking" and "the company" in the Lands Clauses Acts shall be construed to mean the Council. Provided also that notwithstanding anything contained in The Lands Clauses Consolidation Act 1845 any claim for compensation under this Act or any Act incorporated herewith by any person having or in respect of any interest in the lands in respect of which compensa-

* See Appendix.

tion is claimed not greater than that of a lessee or tenant for any term of which not more than eighteen months remain unexpired at the time when the claim is made shall be determined by Justices in the manner provided by section 121 of the said Lands Clauses Consolidation Act 1845.

Power to
acquire lands
for county
buildings
and offices.

4.—(1) Subject to the provisions of this Act the Council for the purpose of erecting a hall offices and buildings for the conduct of the business of the Council may purchase take and hold the lands in the parish and metropolitan borough of Lambeth in the county of London hereinafter described which are delineated on the deposited plans and described in the deposited Book of Reference viz. :—

Lands bounded on the north by lands belonging or reputed to belong to the Council and used as a works depôt on the east by Belvedere Road on the south in part by Westminster Bridge Road and in part by Westminster Bridge and the eastern approach thereto and on the west by the River Thames (including a portion of the bank foreshore and bed of that river) ;

Any buildings erected by the Council on such lands or any part of such lands shall be in such position and of such description height and dimensions as the Council shall determine to be necessary or convenient.

(2) The Council may appropriate and use for the purpose of widening Belvedere Road such part of the said lands as the Council may determine.

Power to
make em-
bankment
on foreshore
of River
Thames.

5. Subject to the provisions of this Act in the line or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the Council may make and maintain the work in the said parish and metropolitan borough of Lambeth hereinafter described viz. :—

An embankment wall and an embankment on the foreshore of the River Thames commencing at the northern side of Westminster Bridge and terminating at a point on the eastern bank or foreshore of the said river $12\frac{1}{2}$ chains or thereabouts north of the said bridge.

Various pro-
visions as to
embankment
works etc.

6.—(1) In constructing the embankment wall and embankment by this Act authorised the Council may construct such steps piers landing stages and other works in connection with the said embankment as they may deem necessary or convenient.

(2) The Council may for the purposes of the said embankment and embankment wall take and use so much of the foreshore of the River Thames as is within the limits of deviation and of land to be acquired shown on the deposited plans and which may be required for such purposes and they may also for purposes of making temporary works and conveniences in connexion with the said embankment and embankment wall occupy and use temporarily so much of the bed or foreshore of the River Thames within the said limits as may be required for those purposes or any of them.

(3) Subject to the provisions of this Act for the purposes of constructing maintaining renewing and repairing the said embankment wall and embankment the Council may alter or interfere with the bank bed or foreshore of the River Thames at or near the said embankment wall and may place temporarily coffer dams and piles and may erect such temporary piers landing places staging and other works in upon or over the river or the bed or foreshore thereof as may be necessary or convenient for any of the purposes aforesaid.

7. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Council in connexion with and for the purposes of this Act and as part of the works to be executed under the powers of this Act may execute or do any of the following works or things viz.:—

Power to make subsidiary works etc.

They may—

- (a) Make junctions and communications with any existing streets contiguous to the lands to be acquired under the powers of this Act and may divert widen or alter the line or alter the level of any existing street ;
- (b) Remove the stairway on the northern side of Westminster Bridge leading from that bridge to the eastern bank or foreshore of the River Thames and appropriate the site of such stairway ;
- (c) Execute any works for the protection of any adjoining land or buildings ;
- (d) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings ;
- (e) Construct erect and provide such vaults cellars arches sewers drains subways and other works and conveniences as they may think proper for the purposes of this Act ; and
- (f) Raise lower alter and interfere with any drain or sewer providing a proper substitute before interrupting the flow of sewage in any such drain or sewer.

The site of the said stairway shall vest or continue vested in the Council and all rights of way or other rights over the same shall thereupon be extinguished and any materials of the said stairway or of any drain or sewer so altered shall vest in the Council and all substituted drains and sewers shall be under the same jurisdiction care management and direction as the existing drains and sewers for which they may be so substituted.

Provided that the Council shall make full compensation to all parties interested in respect of any private rights extinguished under or by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Provided also that the Council shall not raise sink alter the position of or otherwise prejudicially affect any mains or apparatus belonging to the London Electric Supply Corporation Limited except in accordance with and subject to the provisions of the fifteenth section of The Electric Lighting Act 1882 and the eighteenth section of The London Electric Supply Corporation Electric Lighting Order 1889 and that if by reason of any street widening effected by the Council under the powers of this Act it shall become necessary to move or otherwise alter any of such mains or apparatus the cost thereof reasonably occasioned shall be borne by the Council.

8. In making the works by this Act authorised or any part thereof the Council may subject to the provisions of this Act deviate to any extent from the line thereof within the limits of deviation defined on the deposited plans and the Council may subject to the provisions of this Act deviate to any extent not exceeding fifteen feet from the levels thereof defined on the deposited sections :

Deviation from line and levels.

Provided always that the Council shall not deviate from the line

of embankment wall shown on the deposited plans without the consent of the Conservators of the River Thames.

9—11. [*As to errors and omissions in plans—Power to the Council to enter and survey lands to be taken, and as to compensation in the case of recently altered buildings.*]

For protection of
Holloway
Brothers
(London)
Limited.

12. Notwithstanding anything contained in this Act or in any Act incorporated therewith:—

(1) The Council shall not without the consent in writing of Holloway Brothers (London) Limited (in this section referred to as “the Company”) enter upon take or use any part of the premises situate between Belvedere Road and the River Thames now in the occupation of the Company until the expiration of three years from the date on which the Council serve on the Company any notice to treat for the purchase under the powers of this Act of the estate and interest of the Company in the said premises;

(2) The Council shall not so long as the Company continue in occupation of the said premises close or interfere with the Company’s access to the said premises by means of the Belvedere Road or of Chicheley Street or by means of the Company’s wharf on the River Thames but the Company shall have at all times free access to the said premises both by road and by river.

13. [*Power to certain persons to grant easements, etc., by agreement. Identical with 1 Edw. 7, c. cclxxi. s. 41.*]

14. [*Power to the Council to make agreements with owners of property, etc. Identical with 2 Edw. 7, c. ccxviii. s. 23, substituting “adjoining the lands by this Act authorised to be acquired” for “abutting on any portion of the subway.”*]

15. [*Alteration of position of water, gas, and other pipes. Identical with 5 Edw. 7, c. ccvi. s. 10, omitting the words “in connection with the improvement” in lines 1 and 2 of that section.*]

16. [*For the protection of the Metropolitan Water Board and Gas Companies. Identical with 5 Edw. 7, c. ccvi. s. 11.*]

17—18. [*Periods for the purchase of lands and for the completion of the works limited to 3 years and 7 years respectively.*]

19. [*Power to the Council to sell materials of houses, etc., acquired under this Act, and lamp posts, paving materials, etc., upon any road, street, or other place altered for the purposes of this Act.*]

Power to
retain sell
etc. lands.

20. Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or in any other Act to the contrary the Council may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under this Act and may sell and exchange and dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

21. It shall be lawful for the Council and the Conservators of Agreements between the River Thames to enter into and carry into effect agreements Council and Conservators and arrangements with respect to the acquisition by the Council of River of the foreshore of the River Thames and with respect to any other Thames matter or thing incidental to such purposes.

22. For the protection of the Conservators of the River Thames For protection of Conservators of River Thames. (in this section called "the Conservators") the following provisions shall unless otherwise agreed have effect (that is to say) :—

- (1) The Council shall not make or commence any work in the River Thames or on or under the bed or shores thereof until the plans elevations and sections referred to in subsection (2) of this section have been approved by the Conservators :
- (2) All works in the River Thames or on or under the bed or shores thereof shall be executed according to plans elevations and sections to be approved in writing by the Conservators and deposited at their office and shall be executed and performed to the reasonable satisfaction of the Engineer for the time being of the Conservators and the traffic of the said river shall not be interfered with more than may be absolutely necessary in the construction of the said works :
- (3) The compensation payable to the Conservators in respect of the lands taken and all permanent or temporary works in the River Thames or on or under the bed or shores thereof shall be assessed in accordance with the provisions of section 116 of The Thames Conservancy Act 1894 * or any statutory provision in lieu thereof for the time being in force :
- (4) The Council shall not (except so far as shall be necessary in the construction of the works) take any gravel soil or other material from the bed or shores of the River Thames without the previous consent of the Conservators signified in writing under the hand of their Secretary :
- (5) The Council shall during the construction of any works on the bed banks or shores of the River Thames and after completion thereof if so required by the Conservators hang out and exhibit at or near to the said works every night from sunset to sunrise lights to be kept burning by and at the expense of the Council and proper and sufficient for the navigation and safe guidance of vessels and the lights shall from time to time be altered by the Council in such manner and be of such kind and number and be so placed and used as the Conservators by writing under the hand of their Secretary or other authorised officer shall approve or direct and in case the Council fail so to exhibit and keep burning the lights they shall for every such offence be liable to a penalty not exceeding ten pounds :
- (6) The Council shall after completion of the permanent works upon reasonable notice in writing from the Conservators so to do remove any temporary works and materials for temporary works which may have been placed in the

* See Appendix.

River Thames by the Council and on their failing so to do the Conservators may remove the same charging the Council with the expense of so doing and the Council shall forthwith repay to the Conservators all expenses so incurred :

- (7) All temporary works and materials for temporary works which may have been placed in the River Thames by the Council shall in any event be removed by the Council within the period by this Act prescribed for the completion of the works by this Act authorised and on the Council failing so to do the Conservators may remove the same charging the Council with the expense of so doing and the Council shall forthwith repay to the Conservators all expenses so incurred.

23. [*Receipts of the Council to be effectual discharges. Identical with 54 & 55 Vict. c. ccvi. s. 33.*]

Money to be raised on capital account.

24. (1) The Council may expend on capital account for the purposes of this Act including the purchase of land by this Act authorised such money as they may from time to time think fit not exceeding six hundred and fifty-five thousand pounds and in order to raise or provide the money required for those purposes the Council may from time to time create and issue consolidated stock or resort to the Consolidated Loans Fund or otherwise raise money in accordance in each case with the provisions of the Acts for the time being in force regulating the raising of money for capital purposes by the Council.

Provided that nothing in this Act shall authorise the borrowing and expenditure of any money on capital account after the thirtieth day of September one thousand nine hundred and seven.

(2) The Council in accordance with the provisions in relation to redemption and repayment of the Acts relating to the raising and expenditure of money by the Council on capital account shall make provision for the redemption of stock or the repayment of money borrowed or expended on capital account for the purposes of this Act within such term not exceeding in any case sixty years as the Council with the consent of the Treasury may determine.

As to payments under this Act.

25. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of The Local Government Act 1888. . . . [*Part omitted (as to expenses of obtaining this Act) spent.*]

CHAPTER CXXV.

AN ACT TO CONFIRM CERTAIN SCHEMES MADE UNDER THE LONDON GOVERNMENT ACT 1899 RELATING TO THE COUNTY OF LONDON AND PENGES THE COUNTY OF LONDON AND HORNSEY THE COUNTY OF LONDON AND BARNES AND THE COUNTIES OF LONDON AND KENT. [4th August 1906.]

[*Preamble.*]

Schemes in Schedule confirmed. Short title.

1. The Schemes set out in the Schedule hereto shall be and the same are hereby confirmed.

2. This Act may be cited as the London Government Act Adjustment Schemes Confirmation Act 1906.

SCHEDULE.

Penge.

THE LONDON AND PENGES (ADJUSTMENT) SCHEME 1906.

[Preamble recites that by virtue of s. 20 of 62 & 63 Vict. c. 14 (in this Scheme referred to as "the Act") and of the London (Penge) Order in Council 1900 the hamlet of Penge in the county of London ceased as from the commencement of that Order to form part of that county, and became part of the county of Kent and was constituted an urban district; that by s. 15 of the Act it is lawful for Her Majesty in Council to refer to a Committee of the Privy Council the appointment of Commissioners to prepare such Schemes as are required for carrying the Act into effect; and recites s. 16 of the Act and s. 5 of the London (Financial Arrangements) Scheme 1900; and that the County Council of London (in this Scheme referred to as "the County Council") and the Urban District Council of Penge (in this Scheme referred to as "the District Council") have agreed that the District Council shall make to the County Council the payments specified in Part I. of the 1st Schedule to this Scheme, and the County Council shall make to the District Council the payment specified in Part II. thereof; and that by the Penge Scheme 1900 certain rights were conferred on the District Council of emptying the sewage of the Penge urban district into sewers of the County Council, and that the contribution to be paid by the District Council to the County Council in respect thereof was to be a matter of adjustment in accordance with the provisions of the London (Financial Arrangements) Scheme 1900, and that the County Council and District Council have entered into the agreement set out in the 2nd Schedule to this Scheme, but save as aforesaid no agreement for adjustment has been arrived at between the said Councils; and that the Commissioners appointed by the said Committee of the Privy Council deem that in addition to the payments to be made in accordance with the said agreements such adjustment as is herein-after mentioned is required between the County Council and the District Council, and have prepared a Scheme containing the provisions herein-after set forth.]

Now therefore pursuant to the Act and every other power enabling them in that behalf the said Committee of the Privy Council have settled a scheme containing the provisions herein, and do hereby direct order and declare as follows:—

1. The said agreements are hereby confirmed and the District Council shall make to the County Council the payments specified in Part I. of the First Schedule to this Scheme and the payments required by the agreement in the Second Schedule to this Scheme and the County Council shall make to the District Council the payment specified in Part II. of the First Schedule to this Scheme. Confirmation of agreements.

2.—(1) In addition to the above-mentioned payments the District Council shall pay to the County Council the capital sum of three thousand five hundred and seventy-five pounds on account of the share of Penge in capital liabilities and outstanding debts of the County Council on the ninth day of November nineteen hundred. Additional payments by way of adjustment.

(2) The County Council shall pay to the District Council the capital sum of eight thousand two hundred and seventy-two pounds on account of the share of Penge on the ninth day of November nineteen hundred in properties of the county of London including cash balances.

3. Subject to any agreement to the contrary between the County Council and the District Council any payment mentioned in section two of this Scheme or in the First Schedule and any payment under the agreement in the Second Schedule in respect of a period prior to the date of the confirmation of this Scheme which is required to be made by one such Council to the other shall be made within two months from that date. Date of payment.

4. If the County Council or the District Council borrow for the purpose of paying any sum which by virtue of this Scheme is a capital sum the period within which the sum so borrowed shall be repaid shall be thirty years. Time for repayment of capital sums.

5.—(1) This Scheme may be cited as the London and Penge (Adjustment) Scheme 1906. Short title construction and effect.

(2) The Interpretation Act 1889* applies for the purpose of the interpretation of this Scheme as it applies to an Act of Parliament.

(3) This Scheme shall have effect subject to the provisions of any future Scheme made under the Act.

* See Appendix.

Penge.

SCHEDULES.

FIRST SCHEDULE.

PART I.

PAYMENTS TO BE MADE BY THE DISTRICT COUNCIL TO THE COUNTY COUNCIL.

(a) The capital sum of nine hundred and forty-one pounds in respect of pensions granted before the ninth day of November nineteen hundred to officials employed in connection with services other than those undertaken by County Councils outside London together with interest on that sum at the rate of three pounds per centum per annum from the eighth day of November nineteen hundred until the day of payment.

(b) The capital sum of thirteen hundred and twenty-five pounds in respect of pensions which have been granted since the eighth day of November nineteen hundred or may hereafter be granted by the County Council of London to officers in the employment of that Council at that date in connection with non-county services together with interest on that sum at the rate of three pounds per centum per annum from the eighth day of November nineteen hundred until the day of payment.

(c) The capital sum of six hundred and four pounds together with interest on that sum at the rate of three pounds per centum per annum from the twenty-first day of May nineteen hundred and one on account of the transfer to the District Council of certain lands in Croydon Road until the day of payment.

PART II.

PAYMENT TO BE MADE BY THE COUNTY COUNCIL TO THE DISTRICT COUNCIL.

The sum of two thousand seven hundred and thirty-three pounds on account of the proportion of county rate raised by the County Council from Penge for the period from the ninth day of November nineteen hundred to the thirty-first day of March nineteen hundred and one.

SECOND SCHEDULE.

CONTRIBUTION OF PENGE FOR MAIN DRAINAGE PURPOSES.

1. Notwithstanding the separation of Penge from the county of London by the Penge Order 1900 the Penge Urban District Council shall as from the ninth November nineteen hundred pay to the London County Council from time to time the same contributions as nearly as may be to provide interest and sinking fund in respect of the money borrowed or to be borrowed by the Metropolitan Board of Works and the London County Council before or after that date for the purposes of and connected with the Metropolitan Main Drainage System and for the time being undischarged and also to provide for the annual cost of the maintenance management and working of the Metropolitan Main Drainage System as they would be liable to pay if Penge were and had continued to be a parish in the administrative county of London and the Penge Urban District Council were and had continued to be the authority to whom the London County Council's precepts for county contributions in respect of that parish should be sent. The London County Council shall have the same powers of enforcing and receiving contributions assessed in Penge for the purposes aforesaid as they have in the case of contributions assessed on parishes in the administrative county of London.

2. All contributions for the purposes aforesaid shall be assessed on Penge in proportion to the annual value thereof as determined by the standard or basis for the county rate. Provided that the London County Council shall have power from time to time to take such steps as they may think desirable to examine the valuation of the property in Penge and if for any reason they shall be dissatisfied with the amount of the valuation of the same for the county rate they may agree with the Penge Urban District Council what the amount of the annual rateable value of the property in Penge assessable to the county rate shall be deemed to be for the purpose of determining the amount of such contributions as aforesaid and if in any case the London County Council and the Penge Urban District Council cannot agree then (if the London County Council so require) it shall be referred to an arbitrator to determine what such annual rateable value shall be deemed to be for the purpose aforesaid and any agreement between the London

County Council and the Penge Urban District Council or the award of such arbitrator shall be binding on both parties for one year from the date of such agreement or award. The arbitrator shall be a person to be agreed upon by the parties or in default of agreement to be appointed on the application of either of them by the Local Government Board. Any reference under this clause shall be deemed to be a submission to arbitration within the meaning of the Arbitration Act 1889.

Penge.

3. The Penge Urban District Council shall from time to time furnish to the Council a properly certified copy of the current valuation of the property within its district for the purposes of the county rate and shall also from time to time when required by the London County Council but not oftener than once in every five years furnish to the London County Council a properly certified copy of the then current valuation list in force within its district for the purposes of the rate for the relief of the poor and shall also furnish to the London County Council a copy of every addition to and alteration made in the said valuation list by the Assessment Committee.

4. In order to raise the moneys required to pay the contributions to the London County Council for the purposes aforesaid the Penge Urban District Council may in each year make and levy a rate upon the owner and occupier of all property in Penge for the time being assessable under the Public Health Acts to the general district rate and may make levy collect and recover the same as part of any general district rate and the powers and provisions of the Public Health Acts respecting the making levying collection and recovery of general district rates and respecting exemptions and limitations shall extend and apply to the rate hereby authorised to be made.

THE LONDON AND HORNSEY (ADJUSTMENT) SCHEME 1906.

[Preamble recites that by virtue of s. 18 of 62 & 63 Vict. c. 14 (in this Scheme referred to as the "Act") and of the London (Clerkenwell Detached) Order in Council 1900 a detached part of the parish of St. James and St. John, Clerkenwell, in the county of London (in this Scheme referred to as "Clerkenwell detached") ceased as from the commencement of that Order to form part of that county and became part of the county of Middlesex and was annexed to the parish of Hornsey; and that the parish of Hornsey is a borough under the Municipal Corporation Acts; and recites ss. 15 and 16 of the Act; and recites s. 5 of the London (Financial Arrangements) Scheme 1900; and that the County Council of London (in this Scheme referred to as the County Council) and the Mayor, Aldermen, and Burgesses of the Borough of Hornsey, acting by the Council (in this Scheme referred to as the Borough Council), have agreed that in respect of the annexation of Clerkenwell detached to the parish of Hornsey the Borough Council shall make to the County Council the payments specified in Part I. of the Schedule to this Scheme, and the County Council shall make to the Borough Council the payment specified in Part II. of that Schedule, but save as aforesaid no agreement has been arrived at between the said Councils; and that the Commissioners appointed by the Committee of the Privy Council under s. 15 of the Act deem that in addition to the payments to be made in accordance with the said agreement such adjustment as is herein-after mentioned is required between the County Council and the Borough Council, and have prepared a Scheme containing the provisions herein-after set forth.]

Hornsey.

Now therefore pursuant to the Act and every other power enabling them in that behalf the said Committee of the Privy Council have settled a scheme containing the provisions herein and do hereby direct order and declare as follows:—

1. The said agreement is hereby confirmed and the Borough Council shall make to the County Council the payments specified in Part I. of the Schedule to this Scheme and the County Council shall make to the Borough Council the payment specified in Part II. of that Schedule.

Confirmation of agreement

2.—(1) In addition to the above-mentioned payments the Borough Council shall pay to the County Council the sum of one hundred and twenty-one pounds on account of the share of Clerkenwell detached in capital liabilities and outstanding debts of the County Council on the ninth day of November nineteen hundred.

Additional payments by way of adjustment.

(2) The County Council shall pay to the Borough Council the sum of one hundred and eighty-five pounds on account of the share of Clerkenwell detached on the ninth day of November nineteen hundred in properties of the county of London including cash balances.

3. Subject to any agreement to the contrary between the County Council and the Borough Council any payment which by or under this Scheme is required to

Date of payments.

Hornsey. be made by one such Council to the other shall be made within two months of the confirmation of this Scheme.

Short title construction and effect. 4.—(1) This Scheme may be cited as the London and Hornsey (Adjustment) Scheme 1906.

(2) The Interpretation Act 1889* applies for the purpose of the interpretation of this Scheme as it applies to an Act of Parliament.

(3) This Scheme shall have effect subject to the provisions of any future Scheme made under the Act.

SCHEDULE.

PART I.

PAYMENTS TO BE MADE BY THE BOROUGH COUNCIL TO THE COUNTY COUNCIL.

(a) The sum of thirty-six pounds in respect of pensions granted before the ninth day of November nineteen hundred to officials employed by the County Council in connection with services other than those undertaken by county councils outside London together with interest on that sum at the rate of three pounds per centum per annum from the eighth day of November nineteen hundred until the day of payment.

(b) The sum of fifty-four pounds in respect of pensions which have been granted since the eighth day of November nineteen hundred or may hereafter be granted by the County Council to officers in the employment of that Council at that date in connection with non-county services together with interest on that sum at the rate of three pounds per centum per annum from the eighth day of November nineteen hundred until the day of payment.

(c) The sum of ninety-six pounds in respect of payments made by the County Council after the eighth day of November nineteen hundred to the General Post Office for the maintenance of fire alarms and for cancellation of an agreement for the erection and maintenance of fire alarms in Clerkenwell detached.

PART II.

PAYMENT TO BE MADE BY THE COUNTY COUNCIL TO THE BOROUGH COUNCIL.

The sum of one hundred and three pounds on account of the proportion of county rate raised by the County Council from Clerkenwell detached for the period from the ninth day of November nineteen hundred to the thirty-first day of March nineteen hundred and one.

THE LONDON AND BARNES (ADJUSTMENT) SCHEME 1906.

Barnes.

[Preamble recites that by virtue of s. 18 of 62 and 63 Vict. c. 14 (in this Scheme referred to as "the Act") and of the London (Putney Detached) Order in Council 1900 a detached part of the parish of Putney in the county of London (in this Scheme referred to as "Putney detached") ceased as from the commencement of that Order to form part of that county and became part of the county of Surrey and was annexed to the parish of Barnes and added to the urban district of Barnes; and further recites ss. 15 and 16 of the Act and s. 5 of the London (Financial Arrangements) Scheme 1900; and that the County Council of London (in this Scheme referred to as "the County Council") and the Urban District Council of Barnes (in this Scheme referred to as "the District Council") have agreed that in respect of the annexation of Putney detached to the urban district of Barnes the District Council shall make to the County Council the payments specified in Part I. of the Schedule to this Scheme, and the County Council shall make to the District Council the payment specified in Part II. of that Schedule, but save as aforesaid no agreement for adjustment has been arrived at between the said Councils; and that the Commissioners appointed by the Committee of the Privy Council under s. 15 of the Act deem that in addition to the payments to be made in accordance with the said agreement such adjustment as is hereinafter mentioned is required between the County Council and the District Council, and have prepared a Scheme containing the provisions hereinafter set forth.]

Now therefore pursuant to the Act and every other power enabling them in that behalf the said Committee of the Privy Council have settled a scheme containing the provisions herein and do hereby direct order and declare as follows:—

Confirmation of agreement. 1. The said agreement is hereby confirmed and the District Council shall make to the County Council the payments specified in Part I. of the Schedule to this

* See Appendix.

Scheme and the County Council shall make to the District Council the payment specified in Part II. of that Schedule. *Barnes.*

2.—(1) In addition to the above-mentioned payments the District Council shall pay to the County Council the sum of fifty-seven pounds and sixteen shillings on account of the share of Putney detached in capital liabilities and outstanding debts of the County Council on the ninth day of November nineteen hundred. *Additional payments by way of adjustment.*

(2) The County Council shall pay to the District Council the sum of one hundred and forty-eight pounds and twelve shillings on account of the share of Putney detached on the ninth day of November nineteen hundred in properties of the county of London including cash balances.

3. Subject to any agreement to the contrary between the County Council and the District Council any payment which by or under this Scheme is required to be made by one such Council to the other shall be made within two months of the confirmation of this Scheme.

4.—(1) This Scheme may be cited as the London and Barnes (Adjustment) Scheme 1906. *Short title construction and effect.*

(2) The Interpretation Act 1889* applies for the purpose of the interpretation of this Scheme as it applies to an Act of Parliament.

(3) This Scheme shall have effect subject to the provisions of any future Scheme made under the Act.

SCHEDULE.

PART I.

PAYMENTS TO BE MADE BY THE DISTRICT COUNCIL TO THE COUNTY COUNCIL.

(a) The sum of eighteen pounds in respect of pensions granted before the ninth day of November nineteen hundred to officers of the County Council employed in connection with services other than those undertaken by county councils outside London together with interest on that sum at the rate of three pounds per centum per annum from the eighth day of November nineteen hundred until the day of payment.

(b) The sum of twenty-four pounds in respect of pensions which have been granted since the eighth day of November nineteen hundred or may hereafter be granted by the County Council to officers in the employment of that Council at that date in connection with non-county services together with interest on that sum at the rate of three pounds per centum per annum from the eighth day of November nineteen hundred until the day of payment.

PART II.

PAYMENT TO BE MADE BY THE COUNTY COUNCIL TO THE DISTRICT COUNCIL.

The sum of forty-nine pounds on account of the proportion of county rate raised by the County Council from Putney detached for the period from the ninth day of November nineteen hundred to the thirty-first day of March nineteen hundred and one.

THE LONDON AND KENT (ADJUSTMENT) SCHEME 1906. *Kent.*

[*Preamble recites that by virtue of s. 20 of 62 & 63 Viet. c. 14 (in this Scheme referred to as "the Act") and of the London (Penge) Order in Council 1900 the hamlet of Penge in the county of London ceased as from the commencement of that Order to form part of that county and became part of the county of Kent and was constituted an urban district; and that the area of the said hamlet of Penge continues to form part of the Dulwich Division of the Parliamentary Borough of Camberwell; and further recites ss. 15 and 16 of the Act, and s. 5 of the London (Financial Arrangements) Scheme 1900; and that the County Council of London and the County Council of Kent have agreed that as respects the transfer of the hamlet of Penge from London to Kent the County Council of London shall make to the County Council of Kent the payments specified in Part I. of the Schedule to this Scheme, and the County Council of Kent shall make to the County Council of London the payments specified in Part II. of that Schedule, but save as aforesaid no agreement for adjustment has been arrived at between the said Councils; and that the*

* See Appendix.

Kent. Commissioners appointed by the Committee of the Privy Council under s. 15 of the Act deem that in addition to the payments to be made in accordance with the said agreement such adjustment as is herein-after mentioned is required between the County Council of London and the County Council of Kent, and have prepared a Scheme containing the provisions herein-after set forth.]

Confirmation of agreement. 1. The said agreement is hereby confirmed and the County Council of London shall make to the County Council of Kent the payments specified in Part I. of the Schedule to this Scheme and the County Council of Kent shall make to the County Council of London the payments specified in Part II. of that Schedule.

Additional payments by way of adjustment.

2.—(1) In addition to the above-mentioned payments by the County Council of London that Council shall pay to the County Council of Kent in respect of the transfer of the hamlet of Penge from London to Kent an annual sum of two thousand eight hundred and seven pounds commencing as from the first day of April nineteen hundred and one on account of the sums which have been received by or may hereafter be paid to the County Council of London under the Local Government Act 1888 the Finance Act 1894 and the Customs and Inland Revenue Act 1890 out of estate duty and customs and excise duties so long as such sums continue payable.

(2) In addition to the above-mentioned payments by the County Council of Kent that Council shall pay to the County Council of London :—

(a) The capital sum of eight thousand and sixteen pounds on account of the share of the hamlet of Penge in capital liabilities and outstanding debts of the County Council of London on the ninth day of November nineteen hundred;

(b) The capital sum of thirteen hundred and fifty pounds in respect of pensions which have been granted since the eighth day of November nineteen hundred or which may hereafter be granted by the County Council of London to officers employed by that Council in connection with county services together with interest on the same at the rate of three pounds per centum per annum from the said date until the day of payment;

(c) $\frac{155,429}{32,976,171}$ ths of the expenses of the said Committee of the Privy Council which have been paid since the ninth day of November nineteen hundred or may hereafter be paid by the County Council of London under the Act;

(d) Interest at the rate of three pounds per centum per annum from the ninth day of November nineteen hundred until the day of payment on the capital sums of five hundred and forty-six pounds and seven hundred and seventy-one pounds mentioned in Part II. of the Schedule of this Scheme.

Date of payments.

3.—(1) Subject to any agreement to the contrary between the County Council of London and the County Council of Kent any payment from one such Council to the other which under this Scheme is payable in respect of a period subsequent to the confirmation of this Scheme shall be made within two months after the expiration of the financial year in which it accrues due and every other payment under this Scheme from one such Council to the other shall be made within two months after the confirmation of this Scheme.

(2) Where a continuing payment is by virtue of this Scheme payable as from a date preceding the confirmation of this Scheme the sums payable in respect of any period before that confirmation shall be deemed to be capital sums.

Term for repayment of capital sums.

4. If the County Council of London or the County Council of Kent borrow for the purpose of paying any sum which by virtue of this Scheme is a capital sum the period within which the sum so borrowed shall be repaid shall be—

(a) if the sum is a capital sum by virtue of section three of this Scheme five years from the date of borrowing; and

(b) in any other case thirty years from the date of borrowing.

Short title construction and effect.

5.—(1) This Scheme may be cited as the London and Kent (Adjustment) Scheme 1906.

(2) The Interpretation Act 1889 * applies for the purpose of the interpretation of this Scheme as it applies to an Act of Parliament.

(3) This Scheme shall have effect subject to the provisions of any future Scheme made under the Act

* See Appendix.

SCHEDULE.

Kent.

PART I.

PAYMENTS AGREED TO BE MADE BY THE COUNTY COUNCIL OF LONDON TO THE COUNTY COUNCIL OF KENT IN RESPECT OF THE HAMLET OF PENGE.

The capital sum of eighteen thousand eight hundred and seventy-nine pounds on account of the share of the hamlet of Penge on the ninth day of November nineteen hundred in properties of the county of London including cash balances.

The sum of eight hundred and ninety pounds on account of the proportion of county rate raised by the County Council of London from Penge for the period from the ninth day of November nineteen hundred to the thirty-first day of March nineteen hundred and one.

PART II.

PAYMENTS AGREED TO BE MADE BY THE COUNTY COUNCIL OF KENT TO THE COUNTY COUNCIL OF LONDON IN RESPECT OF THE HAMLET OF PENGE.

(a) $\frac{155,429}{32,976,171}$ ths of the sums which have been paid since the eighth day of November nineteen hundred or may hereafter be paid by the County Council of London for periods subsequent to that day in respect of the contributions of the County Council on account of the pensions awarded prior to the first day of April eighteen hundred and eighty-nine to the prison officers and the officers of county asylums of the former counties of Middlesex Surrey and Kent.

(b) $\frac{155,429}{32,976,171}$ ths of the sums which have been paid or which may hereafter be paid by the County Council of London for periods subsequent to the eighth day of November nineteen hundred in respect of their contribution towards the pensions which have been or may be awarded to officers of prisons after the first day of April eighteen hundred and eighty-nine.

(c) $\frac{155,429}{32,976,171}$ ths of any sums which have been paid or which may hereafter be paid by the County Council of London in respect of pensions which have been granted or may be granted to officers of the Kent County Asylum after the first day of April one thousand eight hundred and eighty-nine in respect of services rendered before that day.

(d) The capital sum of five hundred and forty-six pounds on account of pensions granted before the ninth day of November nineteen hundred by the County Council of London to officers employed in connection with county services.

(e) The capital sum of seven hundred and seventy-one pounds on account of the cost of the maintenance of county lunatics chargeable to the county of London on the eighth day of November nineteen hundred.

(f) The capital sum of one hundred and eleven pounds on account of the cost of the maintenance of reformatory and industrial school children chargeable to the county of London on the eighth day of November nineteen hundred.

(g) The capital sum of fifteen pounds on account of the cost of maintenance of inebriates chargeable to the county of London on the eighth day of November nineteen hundred.

(h) The sum of nineteen pounds in respect of the expenses of the endowed charities inquiry paid or payable by the County Council of London after the eighth day of November nineteen hundred.

(i) The sum of thirty-three pounds on account of the sum which was payable up to the eighth day of November nineteen hundred to Sir Richard Wyatt for arrears of fees as clerk of the peace at the Newington Sessions.

(k) A part of the expenses of the County Council of London with respect to the registration of electors of the Parliamentary Borough of Camberwell which have been incurred and paid since the eighth day of November nineteen hundred or which may hereafter be paid by that Council such part to be calculated as nearly as may be in the proportion which the number of parliamentary electors registered in respect of qualifying premises situate in the hamlet of Penge in each year bore or bears to the total number of electors of that borough in that year so long as that hamlet continues to form part of that borough.

CHAPTER CXXVI.

AN ACT TO CONFIRM A PROVISIONAL ORDER MADE BY THE BOARD OF EDUCATION UNDER THE EDUCATION ACTS 1870 TO 1903 TO ENABLE THE LONDON COUNTY COUNCIL TO PUT IN FORCE THE LANDS CLAUSES ACTS. [4th August 1906.]

[*Preamble recites (inter alia) that the Board of Education have made a Provisional Order under the authority of the Education Acts 1870—1903 on behalf of the London County Council (herein-after called "the Council.")*]

Confirmation of Order in Schedule.

1. The following Order as set out in the Schedule to this Act shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force.

2. [*Saving of public rights of way. Identical with 4 Edw. 7, c. cxii. s. 2.*]

3. [*Power to the Council to appropriate, etc., for street widenings portions of sites acquired. Identical with 4 Edw. 7, c. cxii. s. 5.*]

4. [*As to compensation in the case of recently altered buildings. Identical with 5 Edw. 7, c. cxiii. s. 4, substituting "10th October 1905" for "18th October 1904."*]

Owners may be required to sell parts only of certain lands and buildings.

5. And whereas in the exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories shown on Plan No. 6 and distinguished thereon by the Nos. 1 to 21 and on Plan No. 8 and distinguished thereon by the No. 2 and described in the Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Council the portions only of the premises so required without the Council being obliged or compellable to purchase the whole or any greater portion thereof the Council paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Short title.

6. This Act may be cited as the Education Board Provisional Order Confirmation (London No. 1) Act 1906.

SCHEDULE. [*Provisional Order of the Board of Education dated the 2nd April 1906 authorising the London County Council to put in force the Lands Clauses Acts for the purchase and taking otherwise than by agreement of certain lands in the metropolitan boroughs of Deptford, Hackney, Islington, Poplar, St. Marylebone, St. Pancras, Stepney, and Wandsworth, which lands are delineated on the plans Nos. 1—6, 8, 10—14, and 16 referred to in such Order.*]

CHAPTER CL.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO EXECUTE WORKS AND TO ACQUIRE LANDS TO MAKE PROVISIONS AS TO THE DRAINAGE OF PARTS OF THE BOROUGH OF HORNSEY TO CONFER POWERS UPON THE COUNCILS OF CERTAIN METROPOLITAN BOROUGHES AND FOR OTHER PURPOSES.

[4th August 1906.]

[Preamble.]

PART I.—INTRODUCTORY.

1. This Act may be cited as The London County Council Short title, (General Powers) Act 1906.

2. This Act is divided into parts as follows :—

Part I.—Introductory.

Part II.—Works and Lands.

Part III.—Islington and Hornsey Drainage.

Part VI.—Extension of Time.

Part V.—Supply of Electric Fittings by Metropolitan Borough Councils.

Part VI.—Miscellaneous and Financial Provisions.

3. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :—

Division of
Act into
parts.

“The Council” means the London County Council :

“The county” means the administrative county of London :

“The improvement” means the reconstruction of Catford Bridge and the works connected therewith by this Act authorised :

“The railway company” means the South Eastern Railway Company :

“The Strand Green sewer” means the sewer running under and along Crouch Hill Strand Green Road and Blackstock Road in the borough of Hornsey and county of Middlesex and the metropolitan borough of Islington in the county or one of them :

“The Hornsey Corporation” means the mayor aldermen and burgesses of the borough of Hornsey :

“The Islington Council” means the council of the metropolitan borough of Islington :

“The Camberwell Council” means the council of the metropolitan borough of Camberwell :

“The Lewisham Council” means the council of the metropolitan borough of Lewisham :

“The Act of 1871” means The Hornsey Local Board Act 1871 :

“The Act of 1872” means The Metropolitan Street Improvements Act 1872.

And the several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction.

4. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and not inconsistent with or expressly varied by this Act) are incorporated with and form part of this Act (namely) :—

Incorporation
of general
Acts.

The Lands Clauses Acts (except sections 127 and 133 of The Lands Clauses Consolidation Act 1845);

The provisions of The Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof:

Provided that for the purposes of this Act the expressions "the promoters of the undertaking" and "the company" in the said Acts wholly or partially incorporated herewith shall be construed to mean the Council:

Provided also that notwithstanding anything contained in The Lands Clauses Consolidation Act 1845 any claim for compensation under this Act or any Act incorporated herewith by any person having or in respect of any interest in the lands in respect of which compensation is claimed not greater than that of a lessee or tenant for any term of which not more than eighteen months remain unexpired at the time when the claim is made shall be determined by Justices in the manner provided by section 121 of the said Lands Clauses Consolidation Act 1845:

Provided further that for the purposes of the incorporated provisions of The Railways Clauses Consolidation Act 1845 the improvement and the centre line thereof shown on the deposited plans of the improvement shall respectively be deemed to be the railway and the centre of the railway.

PART II.—WORKS AND LANDS.

Power to
Council to
make works
and take
lands.

5. Subject to the provisions of this Act in the lines or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the Council may execute the improvement and works in the county hereinafter described and may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference as intended to be taken or which they may require for that purpose (that is to say):—

Reconstruction of Catford Bridge.

They may take down and remove the bridge known as Catford Bridge carrying Catford Hill over the River Ravensbourne and the railway of the railway company in the parish and metropolitan borough of Lewisham or so much of such bridge as the Council may think fit and may in the said parish and metropolitan borough construct the following works in lieu thereof (that is to say):—

A bridge over the said river and railway with approaches thereto commencing in Catford Hill at a point 1 chain or thereabouts measured in a south-westerly direction from the junction therewith of Ravensbourne Park and terminating in Catford Road at a point $\frac{1}{2}$ chain or thereabouts measured in an easterly direction from the junction therewith of Nelgarde Road.

Power to
alter levels
of roads.

6. The Council may in connection with the improvement and to the extent and in the line and according to the levels shown on the deposited plans and sections alter the level or inclination of the roads in the parish and metropolitan borough of Lewisham known as Ravensbourne Park Doggett Road and Nelgarde Road and the approach from Ravensbourne Park aforesaid to the Catford

Bridge station of the railway company on the western side of the railway of that company and the approach from Catford Road to the said station on the eastern side of the said railway.

7. The Council may in connection with the improvement enter upon take and use temporarily all or such part of the lands shown on the deposited plans as may be necessary and construct and do all such works and things whether upon such lands or otherwise as may be found necessary or desirable.

Power to use lands temporarily.

8.—(1) When the improvement is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the improvement as shall have been laid out for carriage-way or footway shall form part of the street and may be used by the public accordingly.

Improvement to form public street. Repair, etc.

(2) From and after the completion of the improvement the Lewisham Council shall at all times maintain and keep in repair to the reasonable satisfaction of the Council the structure of the said new or reconstructed bridge and the foundations and works supporting the approaches thereto and maintain repair pave cleanse and light the roadway on the said bridge and approaches and the South Eastern and Chatham Railway Companies' managing committee shall forthwith on demand repay to the Lewisham Council one-half of all sums from time to time reasonably expended by the Lewisham Council under the provisions of this subsection except the sums paid for lighting the roadway on the said bridge and approaches:

Provided always that if the Lewisham Council shall at any time fail to maintain and keep in repair the said structure foundations and works to the reasonable satisfaction of the Council it shall be lawful for the Council themselves to do all such acts and things as may be reasonably necessary for maintaining the same and keeping the same in repair and the Lewisham Council shall on demand pay to the Council the amount of all costs charges and expenses reasonably incurred by the Council under this proviso and the Lewisham Council shall have full power under the provisions of this section to demand and recover from the said managing committee any part of any amount so paid by the Lewisham Council to the Council as if the same had been incurred by the Lewisham Council.

(3) Nothing in this Act nor anything done thereunder shall in any way prejudice derogate from or diminish any rights liabilities or obligations of the Lewisham Council or the railway company or the said managing committee existing prior to the passing of this Act in relation to the maintenance repair paving cleansing and lighting of the roadway elsewhere than on the said bridge and approaches of all roads of which the levels are altered or which are otherwise interfered with under the powers of this Act.

(4) Subject to the provisions of this Act so much of the land acquired by the Council for the purposes of the improvement as is thrown into and used for the carriage-way or footway of any street shall (subject to the enjoyment by the Lewisham Council of all such rights in such lands as are usually enjoyed in respect of a street by the road authority of the district) be and remain vested in the Council.

9. [Requiring the Lewisham Council to contribute towards the costs and expenses of the Council in relation to the improvement not exceeding £26,500, with a proviso that if such costs and expenses shall amount to a less sum than £53,500, the said sum of £26,500 shall be reduced by one-half of the amount by which the said costs and expenses fall short of £53,500.]

Purchase of lands by agreement in connection with improvement.

10. In addition to the lands delineated on the deposited plans and described in the deposited book of reference the Council may purchase by agreement in connection with and for the purposes of the improvement any lands not exceeding in the whole five acres.

11. [Power to the Council to take parts only of the properties described in the First Schedule.]

Power to Council to take lands for fire brigade purposes.

12. Subject to the provisions of this Act the Council may purchase take hold and use for the purposes of the Metropolitan Fire Brigade Acts the lands in the county hereinafter described and which are delineated on the deposited plans and described in the deposited book of reference (that is to say) :—

(a) Lands in the parish and metropolitan borough of Lambeth bounded on the north by Cranmer Road on the north-east by Foxley Road on the south-east by the premises known as number 32 Foxley Road and on the west by the premises known as number 52 Cranmer Road together with the house and buildings known as number 30 Foxley Road erected on part of the said lands :

(b) Lands in the parish and metropolitan borough of Greenwich bounded on the north in part by other lands of the Council and in part by the premises known as numbers 2 and 2A Sherrington Road on the east by Wyndeliffe Road on the south by Charlton Road and on the west in part by the premises known as number 115 Charlton Road and in part by the rear of the premises known as numbers 2 2A 4 4A 6 and 6A Sherrington Road.

13. [As to compensation in the case of recently altered buildings.]

Incorporation of certain provisions of London County Council (General Powers) Acts 1901, 1904 and 1905 with reference to works and lands.

14. The sections of The London County Council (General Powers) Act 1901 and of The London County Council (General Powers) Act 1905 of which the numbers and marginal notes are set forth in the first and second parts respectively of the Second Schedule to this Act and section 14 (As to sale of ground-rents) of the London County Council (General Powers) Act 1904 are hereby incorporated with and form part of this Act and shall extend and apply to the improvement and the lands by this part of this Act authorised to be acquired and to the Council in respect thereof as fully and effectually for all intents and purposes as if such sections had been in terms re-enacted in this Act. Provided that all references in the said sections to the improvements authorised by the said London County Council (General Powers) Act 1901 and London County Council (General Powers) Act 1905 respectively shall for the purposes of this part of this Act be construed as references to the improvement as defined by this Act.

For protection of South Eastern Railway Company London Chatham.

15. For the protection of the South Eastern Railway Company the London Chatham and Dover Railway Company and the South Eastern and Chatham Railway Companies' managing committee (hereinafter together referred to as "the railway company") the following provisions shall apply and have effect (that is to say) :—

(1) The improvement and all works in connection therewith over or affecting the railway of the railway company shall be carried out to the reasonable satisfaction of the principal engineer of the railway company: and Dover Railway Company and South Eastern and Chatham Railway Companies' managing committee.

(2) The Council shall on demand pay to the railway company the reasonable expense of the employment by the company during the construction of the improvement of a sufficient number of watchmen and signalmen to be appointed by the railway company for preventing all interference obstruction danger and accident from any of the operations acts or defaults of the Council or their contractors or of any person in their employ or otherwise and also the expense of any alteration necessary to the signals on the railway by reason of the execution of any of the works by this part of this Act authorised:

(3) The improvement shall be so constructed and maintained that the traffic upon the railway shall not be impeded or interfered with:

(4) If any difference shall arise under this section between the Council and the railway company as to anything to be done thereunder the matter in difference shall unless otherwise agreed be determined by an engineer to be appointed by the Board of Trade on the application of either party.

PART III.—ISLINGTON AND HORNSEY DRAINAGE.

16. The Council shall with all practicable dispatch at their own expense complete the construction of the sewer which is shown by a red dotted line on the signed plan referred to in the next following section of this Act and which they are now in process of constructing under Crouch Hill Stroud Green Road Tollington Park and Grove Road commencing at a point near the junction of Crouch Hill and Sparsholt Road and terminating by a junction with the Holloway storm relief sewer at or near the junction of Holloway Road and Grove Road. Council to construct new sewer under Stroud Green Road and other roads.

The said sewer shall be and remain the property of the Council and shall form part of the metropolitan main drainage system and be maintained repaired managed and controlled by the Council in like manner as other sewers forming part of that system.

17.—(1) The Hornsey Corporation shall be entitled subject to the provisions contained in this part of this Act at all times after the passing of this Act to discharge and to permit to be discharged into the Stroud Green sewer water sewage and other matter from such portions of the borough of Hornsey as are shown by a pink colour on the plan (in this part of this Act referred to as "the signed plan") signed in triplicate by John William Wilson the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plan one copy has been deposited in the Parliament Office of the House of Lords one copy has been deposited in the Private Bill Office of the House of Commons and one copy has been deposited with the clerk of the Council) but (except as provided by the next following sub-section of this section) from no other place or places. Power to Hornsey Corporation to discharge sewage from certain portions of Hornsey into Stroud Green sewer, etc.

(2) The Hornsey Corporation shall be entitled subject to the provisions contained in this part of this Act at all times after

the passing of this Act to discharge and to permit to be discharged into the metropolitan main drainage system or into any sewer drain or conduit communicating with the said system water sewage and other matter from the portion of the borough of Hornsey shown by an orange colour on the signed plan.

(3) The Hornsey Corporation shall be entitled subject to the provisions contained in this part of this Act to continue to exercise in respect of the portion of the borough of Hornsey shown by a green colour on the signed plan the rights of emptying sewage into the northern high level sewer of the Council conferred upon the Hornsey Corporation by the Act of 1871 and section 17 (Metropolitan Board of Works to admit into northern high level sewer sewage of Hornsey district) of that Act shall be read and have effect as if the said portion of the borough of Hornsey coloured green on the signed plan had been therein referred to instead of the Hornsey district.

(4) It shall not be lawful for the Hornsey Corporation to discharge or permit to be discharged or to flow into the metropolitan main drainage system or into any sewer drain or conduit communicating directly or indirectly therewith any water sewage or other matter from the portion of the borough of Hornsey shown by a brown colour on the signed plan.

(5) The provisions of Part IV. (Protection of sewers) of the London County Council (General Powers) Act 1894 shall extend and apply in relation to the provisions of this part of this Act in all respects as if the borough of Hornsey formed part of the county and as if the Hornsey Corporation were the council of a metropolitan borough which comprised the borough of Hornsey.

As to cost of maintenance of portion of Stroud Green sewer.

18. The cost of maintaining and repairing so much of the Stroud Green sewer as is situate in or under parts of Crouch Hill Stroud Green Road Seven Sisters Road and Blackstock Road between the junction of Stapleton Hall Road with Stroud Green Road on the one hand and the northern high level sewer of the Council at the junction of Monsell Street with Blackstock Road on the other hand (including any reasonably necessary reconstruction and renewals of the said portion of the Stroud Green sewer and the manholes shafts ventilators and covers in connection with such portion) shall at all times after the passing of this Act be borne by the Islington Council and the Hornsey Corporation in equal proportions:

Provided that all works of maintenance and repair shall be executed from time to time by the Islington Council and the Hornsey Corporation shall on demand pay to the Islington Council quarterly on the usual quarter days one-half of the costs and expenses incurred by the Islington Council in and in connection with such maintenance and repair.

Council to dispose of all sewage passing into Stroud Green sewer.

19. The Council shall at all times after the passing of this Act deal with and dispose of the water sewage and other matter passing into or along the Stroud Green sewer and for that purpose shall from time to time at their own expense construct such other sewers or works either in addition to or in substitution (either in whole or in part) for the sewer now in course of construction by them as mentioned in the section of this Act whereof the marginal note is "Council to construct new sewer under Stroud Green Road and other roads" as they may think necessary or expedient and such

other sewers or works shall be and remain the property of and be maintained repaired managed and controlled by the Council.

20. Section 26 (Limiting amount of sewage to be discharged into high level sewer) of the Act of 1871 is hereby repealed. Amending
Act of 1871.

Such repeal shall be deemed to take effect as from the first day of April one thousand nine hundred and five and as from the said date it shall be lawful for the Hornsey Corporation subject to the provisions of this part of this Act to discharge or permit to be discharged sewage in unrestricted quantities into the sewer constructed under the powers of the Act of 1871 as amended by the Hornsey Order 1902* confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act 1902 (in this section referred to as "the said sewer").

Provided that the Hornsey Corporation shall so far as is practicable prevent the storm water of the portion of the borough of Hornsey draining into the said sewer from flowing into the sewers within that portion of the said borough and thereby into the said sewer and that the Hornsey Corporation shall not discharge or permit to flow directly or indirectly into the said sewer any greater quantity of storm water than so passed prior to the passing of this Act.

21. (1) Section 32 (Power to Metropolitan Board of Works to levy rate in case of default) of the Act of 1871 and sections 57 (Amendment in respect of section 30 of Act of 1871) and 58 (Contributions to be paid by Hornsey Local Board towards costs of main drainage system) of the Act of 1872 are hereby repealed and such repeal shall be deemed to take effect as from the first day of April one thousand nine hundred and five. Contributions
to be paid
by Hornsey
Corporation
towards cost
of main
drainage
system.

(2) As from the said first day of April one thousand nine hundred and five the Hornsey Corporation shall in consideration of the use of the metropolitan main drainage system authorised or confirmed by this part of this Act pay to the Council in respect of each year ending the thirty-first day of March such a sum as shall bear to the total cost in respect of that year as defined in sub-section (3) of this section of the metropolitan main drainage system (after deducting from such cost the amount payable to the Council in respect of that year by the local authorities of districts outside the county other than the Hornsey Corporation for or in connection with the use by the said local authorities of the said system) the proportion which the rateable value (calculated according to the provisions of sub-section (5) of this section) of so much of the borough of Hornsey as is referred to in the said sub-section (5) bears to the aggregate of such rateable value and the rateable value of the property in the county liable in respect of main drainage charges.

(3) For the purposes of this section the total cost in respect of any year of the metropolitan main drainage system shall be deemed to be the aggregate of the following amounts (viz.):—

(a) The amount paid or applied by the Council in respect of that year for interest on and the repayment or redemption by means of a sinking or redemption fund or otherwise of all moneys borrowed and all stock issued by the Metropolitan Board of Works or by the Council whether before or after the passing of

* This Order provides (*inter alia*) that s. 1 of the Act of 1871 shall have effect with the necessary modifications and additions to enable the Hornsey Corporation to renew enlarge or alter the sewer therein described or any works or conveniences connected therewith.

this Act for the purposes of and connected with the metropolitan main drainage system ; and

(b) The expense incurred by the Council in respect of the management maintenance and working of the said system in that year.

(4) For the purposes of this section the rateable value of so much of the said borough of Hornsey as comprises the portions thereof hereinafter referred to shall be deemed to be the aggregate of the following amounts, viz. :—

(a) The rateable value for purposes of the poor rate of all property situate in the portions of the said borough shown on the signed plan and thereon respectively coloured pink and orange ;

(b) The rateable value for purposes of the general district rate of all property situate in the portion of the said borough shown on the said plan and thereon coloured green ; and

(c) The valuation for purposes of contributions by His Majesty's Treasury in lieu of rates to the Hornsey Corporation of all property in the said portions respectively coloured pink orange and green of the said borough vested in the Crown or in any Department of State or otherwise in respect of which such contributions are made.

(5) The amount of the rateable values and valuation referred to in this and the last preceding sub-section of this section shall be the amount of the rateable values and valuation in force on the sixth day of April in the year in respect of which any sum payable by the Hornsey Corporation as aforesaid is to be paid.

(6) The sums aforesaid shall be paid by the Hornsey Corporation to the Council by two half-yearly instalments and the Council shall twice in each year by notice in writing delivered as soon as reasonably practicable to the town clerk of the said borough of Hornsey inform the Hornsey Corporation of the amount of the next half-yearly instalment to be paid by them to the Council and the Hornsey Corporation shall on or before the date named in any such notice (not being less than three months from the date of delivery of such notice) pay to the Council the amount of the instalment payable in respect of that half year as stated in such notice.

Power to Council to levy rate in case of default.

22. In case of any default or neglect of the Hornsey Corporation to pay any of the half yearly instalments which by this part of this Act are directed to be paid by the said Corporation within the time specified in any notice given by the Council under the section of this Act of which the marginal note is " Contributions to be paid by Hornsey Corporation towards cost of main drainage system " the Council may appoint persons to levy on the said borough of Hornsey the amount of such half yearly instalment and such persons shall proceed in the same manner and have the same powers remedies and privileges and be subject to the same regulations with reference to the levying of such amount as any person duly appointed by the Hornsey Corporation for such purpose would have had or been subject to.

Amending section 31 of Act of 1871.

23. Section 31 (Main drainage rates to be made for payment of contributions) of the Act of 1871 shall be read and have effect as if the moneys by this part of this Act directed to be paid by the Hornsey Corporation to the Council had been referred to therein instead of the moneys by the Act of 1871 directed to be paid to the Treasurer of the Metropolitan Board of Works.

PART IV.—EXTENSION OF TIME.

24—26. [*Extension till the 9th August 1908 of the time limited by 62 & 63 Viet. c. cclxvi. for (a) the construction of the new street (Holborn to Strand) and (b) the reconstruction of Old Gravel Lane Bridge, Saint George-in-the-East—Extension till the 17th August 1907 of the time limited by 1 Edw. 7, c. cclxxii. for the completion of the widening of Central Street (Saint Luke)—Extension till the 9th August 1909 of the time limited by 3 Edw. 7, c. cccix. for the compulsory purchase of lands for the widening of Southampton Row, and application of Part II. of the Railway Clauses Act 1863 to such extensions of time.*]

PART V.—SUPPLY OF ELECTRIC FITTINGS BY METROPOLITAN BOROUGH COUNCILS.

27. It shall be lawful for the council of any metropolitan borough being authorised to supply and supplying electrical energy to expend money upon the wiring and fitting and supplying with wires fittings motors and apparatus the premises of their consumers or prospective consumers and to enter into and carry into effect agreements and arrangements with respect thereto and to make such charges therefor as they may think fit:

Borough councils may supply electric fittings etc.

Provided that nothing in this section shall be deemed to authorise the council of any metropolitan borough to manufacture any such fittings or apparatus:

Provided also that every such council shall so adjust the charges to be made by them as aforesaid as to meet any expenditure by them under the powers of this section (including interest upon any moneys borrowed under and for the purposes of this part of this Act and all sums to be applied either by way of instalments or by way of payments to sinking fund for repayment of moneys so borrowed).

28. (1) Every sum charged by any such council to a consumer in respect of the wiring and fitting of the premises of such consumer and the supplying of wires fittings motors and apparatus shall be clearly stated on every demand note by such council for payment for electrical energy supplied to such consumer distinct from the charge for such energy.

Charges for fittings to be shown separately on demand note.

(2) The total sums received and expended by any such council under this part of this Act in each year (including the amount required for interest on and all sums applied either by way of instalments or by way of payments to sinking fund for repayment of any moneys borrowed) shall be separately shown in the published accounts of the electric lighting undertaking of such council for such year.

29. Any such council of a metropolitan borough may borrow in the same manner and subject to the same conditions as if such expenditure were for the purposes of the Electric Lighting Acts 1882 and 1888 as amended by the London Government Act 1899 such sums of money as may be required by such council for the purposes of this part of this Act.

Power to borough councils to borrow.

PART VI.—MISCELLANEOUS AND FINANCIAL PROVISIONS.

Power to Council to provide buildings for accommodation of works of art etc.

30. (1) It shall be lawful for the Council to hold use and maintain any lands or buildings which may be from time to time given to them and to adapt furnish equip maintain and use such buildings for the purpose of providing for the accommodation exhibition and preservation of works of art and objects of historical antiquarian or other public interest which are now in the possession of or which may hereafter come into the possession of the Council by gift loan or discovery. [*See also 61 & 62 Vict. c. cxxxi. s. 60.*]

(2) The Council may let on lease on such terms and conditions as to payment or otherwise as they may think fit any buildings for the time being vested in them for the purposes of this section and may make such charges as they may think fit for admission to any such buildings which may for the time being be under their management and control.

Power to Council to use for any educational purpose lands vested in them for particular educational purposes.

31. It shall be lawful for the Council to appropriate and use for any of the purposes of the Education Acts 1870 to 1903 any lands acquired by the Council or the late School Board for London for elementary or other educational purposes and held by the Council at the passing of this Act :

Provided that nothing in this section shall exempt the Council from any obligation to obtain the consent of the Board of Education under section 18 of the Elementary Education Act 1870 or to consult the said Board pursuant to the requirements of section 2 of the Education Act 1902.

32. [*Power to the Camberwell Council to borrow further moneys not exceeding £1,200 for works authorised by 3 Edw. 7, c. clxxxvii. ss. 19—27.*]

As to contributions payable by councils of metropolitan boroughs.

33. For the purpose of paying to the Council any contribution by this Act authorised or required to be made by the council of any metropolitan borough (in this section referred to as a "borough council") or (if the Council consent thereto) of paying the sum payable by any borough council under the provisions of the section of this Act of which the marginal note is "As to payments under this Act" such borough council may borrow the requisite moneys and for the purpose of securing the repayment with interest of any such moneys any such borough council may mortgage and assign all or any of the moneys or rates authorised to be raised by them under the Metropolis Management Act 1855 and all the provisions of sections 183 to 189 of that Act as amended by any subsequent Act shall apply to any borrowing by a borough council under this section :

Provided that any moneys borrowed by a borough council for the purpose of any payment under the provisions of the said section of this Act of which the marginal note is "As to payments under this Act" shall be repaid within five years from the passing of this Act.

Bye-laws under London County Council (General Powers) Act 1905 to be approved by Secretary of State.

34. No bye-law made by the Council after the passing of this Act under the provisions of section 47 (Bye-laws as to employment agencies) of the London County Council (General Powers) Act 1905 shall have any force or effect unless or until the same shall have been approved by a Secretary of State.

35. [*Saving the rights of the Crown.*]

36. (1) The Council may expend on capital account for the purposes of this Act such money as they may from time to time think fit not exceeding sixty-two thousand two hundred and fifty pounds and in order to raise or provide the money required for that purpose the Council may from time to time create and issue consolidated stock or resort to the consolidated loans fund or otherwise raise money in accordance in each case with the provisions of the Acts for the time being in force regulating the raising of money for capital purposes by the Council :

Money to be raised on capital account.

Provided that nothing in this Act shall authorise the borrowing and expenditure of any money on capital account after the thirtieth day of September one thousand nine hundred and seven.

(2) The Council in accordance with the provisions in relation to redemption and repayment of the Acts relating to the raising and expenditure of money by the Council on capital account shall make provision for the redemption of stock or the repayment of money borrowed or expended on capital account for the purposes of this Act within such term not exceeding in any case sixty years as the Council with the consent of the Treasury may determine.

37. In any case where under the powers of this Act the Council appropriate and use for any of the purposes of this Act any lands or buildings vested in them for any other purpose there shall be charged to the capital account relating to the purpose for which such lands or buildings are so appropriated and used and deemed to be part of the capital expenditure of the Council under this Act such a sum in respect of such appropriation and use as the Council may determine and the sum so determined shall be applied by the Council in or towards capital expenditure upon or to provide for the repayment of money borrowed for such of the purposes in relation to which such lands or buildings were immediately prior to such appropriation held by them as the Council may think fit.

Adjustment of accounts in respect of appropriations of land.

38. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888 and subject as hereinafter provided the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Council in like manner :

As to payments under this Act.

Provided that so much of the said last-mentioned costs charges and expenses as may be attributable to the Camberwell Council in respect of or in connection with the application for and obtaining the powers by this Act conferred on the Camberwell Council shall be paid by that council out of the general rate authorised to be levied by them or (with the consent of the Council) out of moneys borrowed by them for that purpose under the powers and subject to the provisions of this Act.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE. [*Description of properties (being certain properties in Lewisham) of which portions only are required to be taken by the Council.*]

THE SECOND SCHEDULE.

FIRST PART

INCORPORATED SECTIONS OF LONDON COUNTY COUNCIL (GENERAL POWERS) ACT 1901.*

Number of Section.	Marginal Note.
8	Streets may be raised or lowered.
9	Deviation from line and levels.
13	Alteration of electric lines.
14	Carriage-way footway sewers and other works.
15	Directing how the pavement shall be laid and made.
16	Sewers or drains to be arched over or filled up.
17	Power to alter steps areas pipes etc.
19	Period for completion of improvements.
21	Power to sell materials.
25	Correction of errors, etc., in deposited plans and book of reference.
26	Power to Council to enter upon property for survey and valuation.
27	Costs of arbitration etc. in certain cases.
31	Limitation of time for purchase of lands.
32	Power to lease surplus lands.
34	Council may sell land in the first instance without having previously granted a lease thereof.
35	Council may let or exchange lands.
36	Council to dispose of lands within a certain period.
37	Receipts of Council to be effectual discharges.

SECOND PART.

INCORPORATED SECTIONS OF LONDON COUNTY COUNCIL (GENERAL POWERS) ACT 1905.

Number of Section.	Marginal Note.
8	Power to stop up ways temporarily.
9	Power to make subsidiary works stop up streets etc.
10	Alteration of position of water gas and other pipes.
11	For protection of Metropolitan Water Board and gas companies.
12	Underpinning of houses near bridge.
21	Power to certain persons to grant easements etc. by agreement.

CHAPTER CLXXXI.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO CONSTRUCT AND WORK TRAMWAYS IN THE COUNTY OF LONDON AND TO MAKE STREET IMPROVEMENTS AND OTHER WORKS AND ACQUIRE LANDS AND FOR OTHER PURPOSES. [4th August 1906.]

[Preamble.]

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the London County Council (Tramways and Improvements) Act 1906.

Act divided into parts.

2. This Act is divided into parts as follows (namely):—

Part I.—Preliminary.

Part II.—Tramways.

Part III.—Subway and Works.

Part IV.—Street Works.

Part V.—Miscellaneous and Financial.

* These sections are set out in extenso in the Appendix under the title of the London County Council (General Powers) Act 1901.

3. The following Acts and parts of Acts (that is to say) :—
The Lands Clauses Acts and

Incorporation
of Acts.

Section 3 (Interpretation of Terms) and Parts II. and III. of
the Tramways Act 1870 *

as far as the same are applicable for the purposes of and not varied
by or inconsistent with this Act are hereby incorporated with and
form part of this Act :

Provided that section 127 of the Lands Clauses Consolidation
Act 1845 shall not apply in the case of any lands purchased by
the Council under the powers of this Act and that section 133 of the
said Act shall not apply in the case of any lands so purchased other
than the lands (b) and (c) described in the section of this Act of
which the marginal note is "Power to Council to appropriate and
acquire sites for car-sheds etc.":

Provided also that notwithstanding anything contained in the
Lands Clauses Consolidation Act 1845 any claim for compensation
under this Act or any Act incorporated herewith by any person
having or in respect of any interest in the lands in respect of which
compensation is claimed not greater than that of a lessee or tenant
for any term of which not more than eighteen months remain un-
expired at the time when the claim is made shall be determined by
Justices in the manner provided by section 121 of the said Lands
Clauses Consolidation Act 1845.

4. In this Act unless the subject or context otherwise require—

Interpreta-
tion.

Terms to which meanings are assigned by enactments incor-
porated with this Act or which have therein special meanings
have in this Act and for the purposes of this Act the same
respective meanings :

"The Council" means the London County Council;

"The Corporation" means the Mayor and Commonalty and
citizens of the city of London acting by the Mayor Aldermen
and Commons of the city of London in Common Council
assembled;

"The tramways" means the tramways by this Act authorised
and any part thereof;

"The Act of 1902" means the London County Council
(Subways and Tramways) Act 1902;

"The deviation subway" means the deviation subway by this
Act authorised and any part thereof;

"The subway" means the subway authorised by the Act of
1902 as intended to be deviated under the powers of this Act;

"The improvements" means the street improvements by this
Act authorised to be executed by the Council;

"The new street" means the street which the Council are by
this Act authorised to construct;

"Street" has the meaning assigned to that term in the
Metropolis Management Acts 1855 to 1893.

Provided that for the purposes of this Act the expressions "the
promoters of the undertaking" and "the company" in the Lands
Clauses Acts shall be construed to mean the Council.

PART II.—TRAMWAYS.

5. Subject to the provisions of this Act the Council may make
form lay down and maintain the tramways hereinafter described in

Power to
make
tramways.

* See Appendix.

the lines and according to the levels shown on the originally deposited plans and sections or (as the case may be) the amended plan and section with all such rails plates sleepers junctions turntables turnovers crossings passing-places works and conveniences connected therewith as may be necessary or proper therefor.

The tramways hereinbefore referred to and authorised by this Act are the following and will be situate in the county of London. (in this Act called "the county") :—

A. TRAMWAYS SHOWN ON ORIGINALLY DEPOSITED PLANS.

Tramway No. 2 (double line 2 furlongs 3·10 chains or thereabouts in length) wholly in the parish of Saint Pancras commencing in High Street Camden Town by a junction with the existing tramway in that street at a point $\frac{1}{2}$ chain or thereabouts northward of the Cobden Statue and terminating in Pancras Road by a junction with the existing tramway in that road about $1\frac{1}{2}$ chains west from the Town Hall :

Tramway No. 3 (double line 1 furlong 1·5 chains or thereabouts in length) commencing in the parish of Saint Sepulchre at a point in Saint John Street at or near the junction therewith of Peter's Lane and terminating in the parish of Saint James and Saint John Clerkenwell in Saint John Street aforesaid by a junction with the existing tramway in that street at a point $1\frac{1}{2}$ chains or thereabouts northward of Clerkenwell Road :

Tramway No. 3A (double line 1·55 chains or thereabouts in length) wholly in the said parish of Saint James and Saint John Clerkenwell commencing in Saint John Street by a junction with Tramway No. 3 by this Act authorised at a point 1 chain or thereabouts southward of Clerkenwell Road and terminating by a junction with the existing tramway in Clerkenwell Road at a point 1 chain or thereabouts eastward of the junction of Saint John Street and Clerkenwell Road :

Tramway No. 3B (double line 3 furlongs 5·9 chains or thereabouts in length) wholly in the said parish of Saint James and Saint John Clerkenwell commencing in Saint John Street by a junction with the existing tramway in that street at a point 1 chain or thereabouts southward of its junction with Aylesbury Street and terminating in Saint John Street at or near the junction therewith of Rosebery Avenue by a junction with the existing tramway in Saint John Street aforesaid :

Tramway No. 10 (double line 4 furlongs 5·55 chains or thereabouts in length) commencing in the parishes of All Saints Poplar and Bromley Saint Leonard or one of them by a junction with the existing tramway in East India Dock Road at a point 1 chain or thereabouts westward of the junction of Ann Street and East India Dock Road and terminating in the said parish of Bromley Saint Leonard at or near the centre of the bridge carrying Barking Road over the River Lee where the boundary between the counties of London and Essex intersects the said road :

Tramway No. 11 (2 furlongs 5·75 chains or thereabouts in length whereof 2·75 chains or thereabouts will be double line and 2 furlongs 3 chains or thereabouts will be single line) wholly in the parish of Bromley Saint Leonard commencing on the northern side of Leven Road at a point opposite the premises known as No. 90 Leven Road and terminating in East India Dock Road by

a junction with Tramway No. 10 by this Act authorised at a point 1 chain or thereabouts eastward of the junction of Aberfeldy Street with East India Dock Road :

Tramway No. 11A (single line 1·2 chains or thereabouts in length) wholly in the said parish of Bromley Saint Leonard commencing on the northern side of Leven Road opposite the premises known as No. 92 Leven Road and terminating in the said road by a junction with Tramway No. 11 by this Act authorised at a point opposite the premises known as No. 102 Leven Road :

Tramway No. 11B (single line 0·85 chain or thereabouts in length) wholly in the said parish of Bromley Saint Leonard commencing on the northern side of Leven Road at a point opposite the party wall between the premises known as Nos. 102 and 104 Leven Road and terminating in Leven Road by a junction with Tramway No. 11 by this Act authorised at a point opposite the party wall between the premises known as Nos. 108 and 110 Leven Road :

Tramway No. 13 (double line 1 mile 2 furlongs 0·2 chain or thereabouts in length) commencing in the said parish of Saint Margaret Westminster on the Victoria Embankment by a junction with Tramway No. 12 by this Act authorised and hereinafter described at the point of termination thereof and terminating on the said embankment in the precinct of Bridewell in the county of the city of London at a point 4 chains or thereabouts measured in an easterly direction from a point opposite John Carpenter Street :

Tramway No. 13A (double line 9·4 chains or thereabouts in length) wholly in the precinct of the Savoy commencing on the Victoria Embankment at a point $1\frac{1}{2}$ chains or thereabouts westward of the western side of Waterloo Bridge by a junction with Tramway No. 13 by this Act authorised and terminating in the subway at a point under the southern side of the Strand by a junction with the tramway authorised by the Act of 1902 at the termination of that tramway :

Tramway No. 13B (double line 2 chains or thereabouts in length) wholly in the precinct of the Savoy commencing by a junction with Tramway No. 13A by this Act authorised at or near the point of termination hereinafter described of the deviation subway and terminating on the Victoria Embankment at a point $\frac{1}{2}$ chain or thereabouts measured in an easterly direction from the eastern side of Waterloo Bridge by a junction with Tramway No. 13 by this Act authorised :

Tramway No. 14 (double line 5 chains or thereabouts in length) wholly in the parish of Christchurch Southwark commencing on the southern approach to Blackfriars Bridge at a point $\frac{1}{2}$ chain or thereabouts south of the south side of Upper Ground Street and terminating in Blackfriars Road by a junction with the existing tramway in that road at a point opposite the southern side of Stamford Street :

Tramway No. 15 (double line 6 furlongs 3·25 chains or thereabouts in length) commencing in the parishes of Saint Mary Battersea and Wandsworth Borough or one of them in Queen's Road by a junction with the existing tramway in that road at a point $\frac{1}{2}$ chain or thereabouts south of the junction of Beaufoy Road with Queen's Road and terminating in the road known as Clapham Common South Side in the said parish of Wandsworth Borough by a junction with the existing tramway in that road

at a point 3 chains or thereabouts measured in a north-easterly direction from the street known as Crescent Grove :

Tramway No. 15A (double line 1·6 chains or thereabouts in length) commencing in the parishes of Saint Mary Battersea and Wandsworth Borough or one of them by a junction with the existing tramway in Lavender Hill at a point 1 chain or thereabouts westward of the junction of Queen's Road with Lavender Hill and terminating in the said parish of Wandsworth Borough by a junction with Tramway No. 15 by this Act authorised in Cedars Road at a point 1 chain or thereabouts southward of the junction of Lavender Hill with Cedars Road :

Tramway No. 16 (double line 5 furlongs 2·1 chains or thereabouts in length) wholly in the said parish of Wandsworth Borough commencing by a junction with the existing tramway in Broadway Tooting at a point 1 chain or thereabouts measured in a south-easterly direction from the junction of Tooting High Street with Defoe Road and terminating in Mitcham Road at the point at which the boundary between the counties of London and Surrey intersects that road 1½ chains or thereabouts south of the junction of Renmuir Street with Mitcham Road :

Tramway No. 18 (double line 1 furlong 1·6 chains or thereabouts in length) commencing in the parish of Camberwell at the junction of Crystal Palace Parade with Anerley Road and terminating in the said parish in Crystal Palace Parade at a point 3½ chains or thereabouts southward of the Crystal Palace central transept entrance :

Tramway No. 19 (double line 3 furlongs or thereabouts in length) wholly in the parish of Lewisham commencing in Brockley Rise by a junction with Tramway No. 11 authorised by the London County Council (Tramways and Improvements) Act 1904 at a point 2½ chains or thereabouts southward of the junction with Brockley Rise of Gabriel Street and terminating in Brockley Road by a junction with the said authorised Tramway No. 11 at a point 1 chain or thereabouts northward of the junction with Brockley Road of Courtrai Road :

Tramway No. 20A (single line 4 furlongs 7·3 chains or thereabouts in length) wholly in the parish of Saint Paul Deptford commencing in Brockley Road by a junction with the said Tramway No. 11 authorised by the London County Council (Tramways and Improvements) Act 1904 at a point 1 chain or thereabouts measured in a northerly direction from the northern side of the bridge carrying the London Chatham and Dover Railway over Brockley Road and passing thence into and along Shardeloes Road into and terminating in Lewisham High Road by a junction with the existing tramway in that road at a point 1 chain or thereabouts north-westward of the junction of Shardeloes Road with Lewisham High Road :

Tramway No. 20B (single line 4 furlongs 4·2 chains or thereabouts in length) wholly in the said parish of Saint Paul Deptford commencing at the point of commencement hereinbefore described of Tramway No. 20A by this Act authorised and passing thence into and along Malpas Road into and terminating in Lewisham High Road by a junction with the said existing tramway in that road at a point 1 chain or thereabouts north-westward of the junction of Malpas Road with Lewisham High Road.

B. TRAMWAYS SHOWN ON AMENDED PLAN.

Tramway No. 12 (double line 2 furlongs 2·20 chains or thereabouts in length) commencing in the parish of Lambeth in Westminster Bridge Road by a junction with the existing tramway in that road at a point 1 chain or thereabouts westward of the junction therewith of York Road passing thence over Westminster Bridge into and terminating in the parish of Saint Margaret Westminster on the Victoria Embankment by a junction with Tramway No. 13 by this Act authorised and hereinbefore described at the point of commencement thereof being $1\frac{1}{2}$ chains or thereabouts northward of the junction of the western approach to Westminster Bridge with the said embankment:

Tramway No. 12A (double line 4·4 chains or thereabouts in length) wholly in the parish of Lambeth commencing in Stangate by a junction with the existing tramway therein at a point 3 chains or thereabouts south of Westminster Bridge Road and terminating on the eastern approach to Westminster Bridge by a junction with Tramway No. 12 by this Act authorised at a point $1\frac{1}{2}$ chains or thereabouts westward of the junction of Belvedere Road with Westminster Bridge Road.

6.—(1) The carriages used on the tramways may be moved by animal power or (subject to the provisions of this Act) by electrical power. Motive power.

(2) The provisions of the London County Tramways (Electrical Power) Act 1900 (except section 5 thereof) with respect to the use of and working by electrical power of the tramways defined by that Act shall extend and apply to the tramways.

7. The tramways shall be of the gauge of four feet eight and a half inches but carriages or trucks adapted for use upon railways shall not be run upon the tramways. Gauge of tramways.

8. Where in any part of any street or road which is by this Act authorised to be widened and in which the Council are by this Act authorised to make a tramway a less space than nine feet six inches would for a distance of thirty feet or upwards intervene between the outside of the footpath and the nearest rail of the tramway the Council shall not work or use such tramway in such part of such street or road unless and until such part shall have been widened to such extent as may be necessary to leave a space of not less than nine feet six inches between the outside of the footpath and the nearest rail of the tramway on the side of the street or road on which such widening is to be made or unless it appears from the originally deposited plans or the amended plan that such tramway is intended to be so constructed in such part of the street or road that a less space than nine feet six inches shall intervene between the outside of the footpath and the nearest rail of the tramway. Certain parts of tramways not to be used until streets widened.

9. Notwithstanding anything contained in this Act or shown on the originally deposited plans the Council shall not commence to construct Tramway No. 14 or so much of Tramway No. 13 as is situate eastward of the junction of John Carpenter Street with the Victoria Embankment unless or until Blackfriars Bridge shall have been widened by the Corporation. Postponement of construction of Tramway No. 14 and part of Tramway No. 13.

Postpone-
ment of
construction
of Tramways
Nos. 15
and 15A.

Tramway
No. 15A
not to be
opened until
carriage-way
widened.

Powers to
Commis-
sioners of
Police.

10. Notwithstanding anything contained in this Act the Council shall not commence to construct Tramways Nos. 15 and 15A by this Act authorised unless or until they shall have commenced the reconstruction and adaptation for working by electrical traction of the existing tramways in Wandsworth Road Lavender Hill and Queen's Road.

11. The Council shall not open Tramway No. 15A by this Act authorised for public traffic unless and until a widening of the carriage-way at the corner of Cedars Road and Lavender Hill shall have been made so as to give a distance of not less than nine feet six inches between the nearest rail of the said tramway and the kerb and so as to give a footway on the side of the road nearest to the tramway of such width as may be reasonably approved by the road authority.

12. For the better regulation of traffic and for the prevention of accidents it is hereby enacted as follows :—

(1) In addition to the powers conferred upon them by section 61 of The Tramways Act 1870* the Commissioner of Metropolitan Police or the Commissioner of City Police as the case may be on due notice being given to the Council and subject to the approval of the Secretary of State may on occasions of State or days of specially congested traffic require the services of cars over Westminster Bridge or Blackfriars Bridge to be suspended for such period as they may direct :

(2) No car shall stop to take up or set down passengers upon Westminster Bridge or Blackfriars Bridge or within two hundred and forty yards on the east side and one hundred and fifty yards on the west side of Westminster Bridge or within one hundred and fifty yards of the north side of Blackfriars Bridge or such less distances as may be fixed by the Commissioner of Metropolitan Police or the Commissioner of City Police as the case may be :

(3) The stopping-places for tramcars on Tramways Nos. 12, 12A, 13 and 14 by this Act authorised shall be subject to appointment and regulation by the Commissioner of Metropolitan Police or the Commissioner of City Police as the case may be in the same manner as are stopping-places for stage carriages and the provisions of any Act relating to the appointment and regulation of stopping-places for stage carriages in the metropolis shall apply accordingly : [See 6 & 7 Vict. c. 86, s. 29 ; 30 & 31 Vict. c. 134, s. 14, and 33 & 34 Vict. c. 78, s. 48.]

(4) The exits from the subway at Waterloo Bridge shall be so constructed as to afford to the police regulating traffic at that point an unobstructed view of cars approaching the Victoria Embankment.

13—14. [*The Council before constructing so much of Tramway No. 12 as will be situate on Westminster Bridge, to reduce the width of the footway on each side of the said bridge by 2 feet, and, if necessary, to move and replace the mains and works of the London Electric Supply Corporation Limited now under the footway on the north side of the bridge. Spent.*]

15. It shall be lawful for the Council to enter into and carry into effect agreements and arrangements with the Corporation with respect to all or any of the following matters and things (that is to say) :—

Agreements
between
Council and
Corporation
as to Black-

* See Appendix.

The construction maintenance ownership and working of friars Bridge tramways on Blackfriars Bridge.* [See also 1 Edw. c. cclxxi. s. 20, 3 Edw. 7, c. cccix. ss. 13—14, and 4 Edw. 7, c. cccxxi. s. 60.] and tramways thereon.

The formation and use of junctions between any such tramways and Tramways Nos. 13 and 14 by this Act authorised or either of such tramways ;

The construction maintenance ownership regulation and control of subways in connection with or incidental to any of such tramways ;

The widening of the southern approach to Blackfriars Bridge and any consequent alterations of level of the roadway or footway thereof ;

Defraying the whole or any part of the cost of executing or maintaining such works or any of them ; and

All such matters and things incidental to or in connection with or consequent on all or any of the matters aforesaid as may be deemed necessary or expedient.

16.—(1) The Council shall not construct Tramway No. 12A by this Act authorised or remove or interfere with the underground lavatory or convenience shown on the originally deposited plans and thereon numbered three in the parish of Lambeth until they shall have paid to the council of the metropolitan borough of Lambeth the sum of three thousand five hundred pounds which sum shall be in full satisfaction of all claims and demands by or on behalf of the council of the said metropolitan borough in respect of the taking or removal of or interference with the said lavatory or convenience. As to underground convenience in Stangate.

(2) The said sum of three thousand five hundred pounds shall be applied by the council of the said metropolitan borough of Lambeth in or towards the repayment of any moneys for the time being owing by them on capital account.

(3) The said sum shall not be applied to the payment of instalments or to payments into any sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

17. For the protection of the Metropolitan District Railway Company (in this section called “the Company”) the following provisions shall notwithstanding anything in this Act contained have effect unless otherwise agreed between the Council and the Company (that is to say):— For protection of the Metropolitan District Railway Company.

(1) The Council shall not in constructing Tramway No. 13 bring such tramway nearer to the railway of the Company than is shown upon the deposited plans :

(2) The Council shall execute all works in connection with the construction alteration and maintenance of Tramways Nos. 13, 13A and 13B by this Act authorised (in this section referred to as “the said tramways”) in such a manner as to alter or interfere as little as possible with the structure of the said railway and they shall so maintain the said tramways as not to interfere with the said structure :

(3) Such works shall only be executed by the Council according to plans sections and specifications to be previously submitted to and reasonably approved by the engineer of the Company and shall be carried out under the superintendence and to the reasonable satisfaction of the said engineer :

* See the Corporation of London (Blackfriars and other Bridges) Act 1906.

Provided that unless the Company by notice in writing to the Council within twenty-one days after the submission of such plans and sections give notice in writing to the Council objecting thereto or making any requirement with respect thereto the said plans and sections shall be deemed to have been approved on behalf of the Company and the work may be proceeded with accordingly :

(4) In the event of any injury being caused to the structure of the said railway by the construction alteration maintenance working or failure of the said tramways the Company may at the expense of the Council restore such structure or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Company may recover from the Council the amount of such expense :

(5) All works by this Act authorised shall be so executed maintained and worked that the traffic upon the said railway shall not be impeded or interfered with :

(6) The Company may if they deem fit employ such watchmen or inspectors or other persons as may be reasonably necessary to watch and inspect the said works and the wages of such watchmen or inspectors or other persons shall be borne by the Council and the Council shall afford full and free entry to the works to such watchmen inspectors or other persons during the execution of the said works :

(7) The Council shall be responsible for and make good to the Company all cost losses damages and expenses which may be occasioned to the Company or to their railway works or property or to the traffic thereon during the construction or by reason of the alteration maintenance working or failure of the said tramways or by the acts or defaults of the Council or of any persons in their employ or of their contractors lessees or otherwise and the Council shall effectually indemnify and hold harmless the Company from all claims and demands lawfully made upon or against them by reason of such construction alteration maintenance working or failure and of any such act or default :

(8) If and whenever in the opinion of the Company any alteration or strengthening of the structure of the said railway shall be rendered necessary by the construction maintenance or user of the said tramways the Company shall give the Council twenty-eight clear days' notice of the works (or in case of emergency such notice as may be reasonably practicable) which in the opinion of the Company are necessary and unless the nature and extent of such works shall be agreed upon between the Council and the Company it shall be referred to arbitration to determine what works may be necessary for so altering or strengthening the structure of the said railway and pending any such arbitration the construction or working of the said tramways shall not be proceeded with at the place in question :

(9) The cost and expenses of and incidental to such works shall be paid by the Council and upon the completion of such works the Council shall also pay such a sum as shall be agreed between the Council and the Company or determined by arbitration by way of compensation for and in satisfaction of all claims by the Company in respect of the additional expense

(if any) of maintenance arising from any alteration or strengthening of the structure of the said railway :

(10) The Council shall not in working the said tramways obstruct or otherwise interfere with the entrances and exits to and from the station buildings on the said railway :

(11) If the Company shall at any time require to strengthen reconstruct alter or repair their said railway or the structure thereof and shall find it necessary for such purpose that the working or user of any part of the said tramways over the said railway or within a reasonable distance thereof be wholly or in part stopped or delayed or that the said tramways be temporarily diverted or wholly or in part taken up or removed and if the Company accordingly give to the Council twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay diversion taking up or removal then the working or user of such part of the said tramways shall be stopped or delayed or such part of the said tramways shall be diverted taken up or removed at the reasonable expense of the Council and under the superintendence of the engineer of the Company (if he shall give such superintendence) but only for so long as shall be necessary for effecting such purpose as aforesaid and such part of the said tramways shall be restored with all possible despatch and in such case the Company shall not be liable to pay compensation in respect of such stoppage delay or diversion taking up or removal as aforesaid :

Provided that if Tramway No. 13 be constructed as a double line the Company shall not be at liberty to require more than one line of rails to be stopped at a time nor shall the Company be at liberty to require the traffic on Tramways Nos. 13A and 13B to be stopped at the same time :

(12) If any difference shall arise under this section between the Council and the Company the matter in difference shall be determined by an engineer to be appointed in default of agreement by the President of the Institution of Civil Engineers.

18. For the protection of the South Eastern Railway Company the London Chatham and Dover Railway Company and the South Eastern and Chatham Railway Companies' Managing Committee (hereinafter respectively referred to as "the Railway Company") the following provisions shall unless otherwise agreed between the Council and the Railway Company apply and have effect (that is to say) :—

(1) In this section the word "apparatus" includes posts brackets electric wires conductors apparatus and any similar appliances to be used as or for the purposes of a motive power for the carriages running on Tramway No. 13 by this Act authorised (in this section referred to as "the said tramway") and includes also any subways tunnels tubes openings excavations channels and pipes for the purposes of such apparatus :

(2) The Council shall not in any manner in the execution maintenance user or repair of any of their works or apparatus obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to the Railway Company or any traffic thereon :

(3) If the Railway Company shall at any time require to widen lengthen strengthen reconstruct alter or repair the bridge carrying the Railway Company's Charing Cross Railway over

For protection of South Eastern Railway Company London Chatham and Dover Railway Company and South Eastern and Chatham Railway Companies' Managing Committee.

the Victoria Embankment (hereinafter referred to as "the bridge") or to widen or alter the railway thereover and shall find it necessary for such purpose that the working or user of any part of the said tramway under the bridge be wholly or in part stopped or delayed or that the said tramway be temporarily diverted or wholly or in part taken up or removed and if the Railway Company accordingly give to the Council fourteen days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay diversion taking up or removal then the working or user of such part of the said tramway shall be stopped or delayed or such part of the said tramway shall be diverted taken up or removed at the reasonable expense of the Council and under the superintendence of the engineer of the Railway Company (if he shall give such superintendence) but only for so long as shall be necessary for effecting such purpose as aforesaid and such part of the said tramway shall be restored with all possible despatch and in such case the Railway Company shall not be liable to pay compensation in respect of such stoppage delay or diversion taking up or removal as aforesaid. Provided that if the said tramway be constructed as a double line under the bridge the Railway Company shall not be at liberty to require more than one line of rails under the bridge to be stopped at a time :

(4) If it become necessary having regard to the relative position of the works of the Council and the works of the Railway Company that the electric telegraphic telephonic or signal wires and apparatus connected with the railway of the Railway Company should be placed in cable or otherwise altered the Railway Company may execute any works reasonably necessary for such cabling or alterations and the expense of executing such works shall be borne by the Council :

(5) Before the Council affix any apparatus to the bridge or other property of the Railway Company they shall obtain the consent of the Railway Company thereto who shall not unreasonably withhold such consent and drawings showing the design and material of such apparatus and the manner in which it is proposed to so affix it shall be submitted to and reasonably approved by the principal engineer of the Railway Company :

(6) Where Tramway No. 14 by this Act authorised will pass in front of the access to the north entrance to the Blackfriars goods depôt of the Railway Company no carriage used on that tramway shall so long as the said depôt shall be used as such by the Railway Company be without the consent of the Railway Company stopped or permitted to be stopped unless the exigencies of the street traffic so necessitate nor shall any fixed stopping place be provided within ten yards on either side of the said access. If it shall be found necessary in connection with the laying of the said Tramway No. 14 in front of the access to the said depôt of the Railway Company to alter the level of the approach road or otherwise interfere with the same all works affecting the approach road shall be carried out under the superintendence of and to the satisfaction of the engineer of the Railway Company :

(7) The Council shall be responsible for and make good to the Railway Company all losses damages and expenses which may be occasioned to the Railway Company by or by reason of the

execution or failure of any works under this Act or by reason of any act default or omission of the Council or of any person in their employment or of any contractors for any such works or any part thereof and the Council shall effectually indemnify and hold harmless the Railway Company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission ;

(8) If any difference arises under this section between the Council and the Railway Company the same shall unless otherwise agreed be determined by a referee in accordance with the provisions of section 33 of the Tramways Act 1870.*

19. [*Application of s. 32 of the Tramways Act 1870. Identical with 2 Edw. 7, c. cexix. s. 9, substituting "any of the tramways will be situate" for "a tramway is to be laid under the powers of this Act."*]

20. [*As to alterations of bridges, etc. Identical with 3 Edw. 7, c. cexix. s. 7.*]

21.—(1) For the purpose of working by electrical power Tramway No. 18 by this Act authorised and so much of Tramway No. 10 by this Act authorised as is situate east of Abbott's Road the Council may adopt such a system of overhead electrical traction as the Board of Trade may sanction but the Council shall not adopt any system of overhead electrical traction for the purpose of working the Tramways Nos. 12, 12A, 13, 13A, 13B and 14 by this Act authorised or any of those tramways.

As to system of traction to be adopted.

(2) Except as aforesaid nothing in this Act shall authorise the Council to place in any metropolitan borough any posts or wires on or over any street for working the tramways by electrical power unless the council of such metropolitan borough shall by resolution have consented to the adoption therein of a system of traction conducted by means of posts and wires placed overhead.

Such consent may be subject to any limitations or conditions which may be expressed in the resolution and may apply to any particular streets or roads or fix any limited period defined by such resolution.

A copy of such resolution under the seal of the council of such metropolitan borough shall be delivered to the Council and shall be evidence of the due passing of such resolution.

22.—(1) So much of Tramway No. 10 by this Act authorised as will be situate in that portion of East India Dock Road upon which the premises of the London and India Docks Company abut shall not be opened for public traffic unless and until the breadth of the carriage-way throughout the said portion of road shall have been increased to not less than thirty-three feet and notwithstanding the incorporation in this part of this Act of section 13 (Council may reduce width of footway in certain cases) of the London County Council (Tramways and Improvements) Act 1901 the Council shall before opening such tramway for public traffic provide throughout the length of the said portion of tramway on the north side of the carriage-way when so widened as aforesaid a footway not less than ten feet in width and on the south side of such carriage-way a footway of not less than six feet in width.

Certain parts of Tramway No. 10 not to be used for public traffic until road widened.

(2) So much of the said Tramway No. 10 as will be situate in

* See Appendix.

the portion of East India Dock Road between Orchard Street and Abbott Road shall not unless or until the width of the carriage-way of the said portion shall have been increased to not less than thirty-three feet be opened for public traffic without the consent in writing of the council of the metropolitan borough of Poplar.

Incorporat-
ing pro-
visions of
London
County
Tramways
(Electrical
Power)
Act 1900.

23. The sections of the London County Tramways (Electrical Power) Act 1900 of which the numbers and marginal notes are set forth in the First Schedule to this Act are hereby incorporated with and form part of this part of this Act and shall extend and apply to the tramways and to the Council in respect thereof as fully and effectually as if those sections had been re-enacted in this Act with reference thereto.

PART III.—SUBWAY AND WORKS.

Power to
deviate
authorised
subway.

24. Subject to the provisions of this Act the Council may construct maintain and use the deviation subway wholly in the precinct of the Savoy in the county hereinafter described in the line and according to the levels shown on the originally deposited plans and sections with all necessary approaches stairs passages lifts stations works and conveniences in connection therewith (that is to say):—

A deviation subway commencing under Wellington Street by a junction with the subway described in and authorised by the Act of 1902 at a point 4 chains or thereabouts measured in a southerly direction from the southern side of the Strand and terminating on the northern side of the Victoria Embankment at or near the site of the stairs forming the approach to Waterloo Bridge on the western side thereof from the said embankment.

Power to
take land.

25. Subject to the provisions of this Act the Council may enter upon take and use all or any of the lands shown on the originally deposited plans and described in the originally deposited book of reference as intended to be taken or which they may require for the purposes of the deviation subway.

Power to
remove
western
stairs of
Waterloo
Bridge.

26. In constructing the deviation subway the Council may notwithstanding anything contained in the Metropolis Toll Bridges Act 1877 or any other Act or Acts to the contrary stop up remove and abolish or divert or alter the stairs forming the approach to Waterloo Bridge on the western side thereof from the Victoria Embankment.

Power to
take subsoil
of Wellington
Street for
subway
station and
make open-
ings in the
street.

27. Subject to the provisions of this Act the Council may enter upon take and use for the purpose of a station in connection with the tramway in the subway the subsoil and under surface of so much of Wellington Street as is situate between the Strand and a point 5 chains or thereabouts southward thereof as shown on the originally deposited plans and described in the originally deposited book of reference and may make and maintain in the said portion of Wellington Street all such openings as may be necessary or convenient for affording access to such station together with all such stairs passages and other approaches as may be necessary or convenient for affording such access.

For protec-
tion of
Westminster
City Council.

28.—(1) The Council shall not unless otherwise agreed remove or interfere with any underground lavatory or convenience vested in the Westminster City Council (in this section referred to as "the city council") until they shall have provided in substitution

therefor to the reasonable satisfaction of the city council a lavatory or convenience of similar capacity at some place adjacent thereto to be approved by the city council.

(2) The Council shall not during the execution of the works by Part III. of this Act authorised (except so far as may be necessary for the purpose of removing any underground lavatory or convenience) stop up or cause to be stopped up or break up the surface of any street vested in the city council without the consent of the city council.

Provided that nothing in this sub-section contained shall prevent or be deemed to prevent the Council from making and maintaining approaches from the site of the existing refuge in Wellington Street shown on the originally deposited plans and thereon numbered 2 in the precinct of the Savoy to the station to be constructed under Wellington Street aforesaid.

29. In addition to the sections of the London County Council (Tramways and Improvements) Act 1901 incorporated with this part of this Act by virtue of the section of this Act of which the marginal note is "Incorporating certain provisions of London County Council (Tramways and Improvements) Act 1901 with various parts of Act" the sections of the Act of 1902 of which the numbers and marginal notes are hereinafter set forth are hereby incorporated with and form part of this part of this Act and shall extend and apply to the deviation subway and to the Council in respect thereof as fully and effectually as if the said sections had been re-enacted in this Act with reference thereto (that is to say):—

Section 8 (Power to alter sewers etc.);

Section 13 (Council empowered to underpin or otherwise strengthen houses near subway);

Section 14 (Deviation from line and levels);

Section 23 (Power to Council to make agreements with owners of property etc.);

Section 27 (Provisions as to cellars etc. not referenced);

Section 29 (Vaults etc. of Somerset House not to be interfered with without consent of Commissioners of Works);

Section 30 (Saving rights of the Crown);

Section 31 (Authorising dealings with property of the Duchy of Lancaster);

Section 32 (Saving rights of the Duchy of Lancaster);

Section 35 (Apportionment of expenses of subway and tramway).

30. In addition to any byelaws which the Council are empowered to make by virtue of the provisions of the section of this Act of which the marginal note is "Applying provisions of London County Council (Subways) Act 1893" it shall be lawful for the Council to make and enforce byelaws for the following purposes or any of them:—

For the regulation and management of the subway;

For preventing the commission of any nuisances in the subway;

For regulating the conveyance of explosives in the subway and prohibiting the bringing into the subway of explosives or parcels or passengers' luggage which may be injurious to or prejudicially affect the use of the subway or the tramway therein or cause or be likely to cause any danger to any person in or using the subway;

For regulating the duties and conduct of all persons whether

officers or servants of the Council or not who shall be employed or be in or about the subway ;

For the prevention of injuries and damages to and the preservation of the subway ;

For preventing obstruction of the stairways and approaches to and the entrances exits and platforms of the subway ;

For preventing unauthorised persons from entering or being in or passing along or using the subway ;

Such byelaws shall be subject to the provisions of the Metropolitan Management Act 1855 respecting the making confirmation approval publication and evidence of byelaws but the said provisions shall for the purposes of this part of this Act be read and construed as if the Board of Trade were named therein instead of one of Her Majesty's principal Secretaries of State.

Penalty for contravention of bye-laws as to explosives and dangerous packages.

31. Any person who shall offend against any byelaw made by the Council under this part of this Act with respect to explosives or to parcels packages or passengers' luggage which may cause or be likely to cause danger shall be liable on summary conviction to a penalty not exceeding twenty pounds.

32—34. [*Extension till the 5th August 1909 of the time limited by the Act of 1902 for the construction of the subway and tramway authorised by that Act, except so far as such subway is by this Act authorised to be abandoned—Application of Part III. of the Railways Clauses Act 1863 to such extension of time. Repeal of s. 33 of the Act of 1902.*]

PART IV.—STREET WORKS.

Power to Council to make street works.

35. Subject to the provisions of this Act in the lines or situation and within the limits of deviation shown on the originally deposited plans and according to the levels shown on the originally deposited sections the Council may make the new street and execute the improvements and works in the county hereinafter described viz. :—

A new street wholly in the parish of Bromley Saint Leonard in the county commencing by a junction with Leven Road at a point opposite the premises known as No. 124 Leven Road and terminating by a junction with Abbott Road at or near the junction therewith of Aberfeldy Street.

[*Part omitted (as to power to the Council to make widenings of Mitcham Road, Lewisham High Road, Shardeloes Road, York Road, Wandsworth, and Falcon Road, Battersea).*]

36. [*Power to the Council to the extent shown on the amended plan and section or (as the case may be) the originally deposited plans and sections to alter the levels of Westminster Bridge Road and of the eastern approach to Westminster Bridge and of the roadway and footway on Westminster Bridge in the parishes of Lambeth and Saint Margaret, Westminster, of the western approach to Westminster Bridge between certain points, and of the roadway and footway on the Victoria Embankment throughout its length.*]

For protection of West London Extension Railway Company.

37. In widening Falcon Road Battersea under the powers of this Act the Council shall in no way interfere with the railway or works of the West London Extension Railway Company or with the structure of the bridge carrying that railway over Falcon Road.

If in the construction of the said works any damage is caused to the said railway or works the Council shall make good and restore the same at their own expense to the reasonable satisfaction of the engineer of the said West London Extension Railway Company.

38. In carrying out the widening at Falcon Road Battersea under the powers of this Act the Council shall not without the previous consent of the London and North Western Railway Company (in this section referred to as "the North Western Company") under their common seal enter upon take or use any of the lands or property of the North Western Company except so much as is coloured red on the plan signed by the Right Honourable the Earl of Camperdown the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of which plan one copy has been deposited in the Parliament Office of the House of Lords and one copy in the Private Bill Office of the House of Commons.

For protection of London and North Western Railway Company.

39. When and so soon as the new street is made and when and as each of the improvements or any part thereof is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the Clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the new street or of the improvement to which such certificate relates as shall have been laid out for carriage-way or footway shall form part of the street and may be used by the public accordingly. Subject to the provisions of this Act so much of the land acquired by the Council for the construction of the new street or the widening of any street as is thrown into and used for the carriage-way or footway of the new street or of any street widened under this Act shall on the completion of such street or widening (subject to the enjoyment by the council of the metropolitan borough in which the same is situate of all such rights in such lands as are usually enjoyed in respect of a street by the road authority of the district) be and remain vested in the Council but the maintenance repair paving cleansing and lighting of the new street and of each of the improvements shall be under the care management control and jurisdiction of the council of the metropolitan borough in which such street or improvement is situate in the same manner as other streets in such borough.

New street and improvements to form public streets. Repair etc.

Provided that the provisions of this section with reference to the repair of carriage-way shall not apply to that part of any carriage-way which under the provisions of the Tramways Act 1870 * the Council is bound to keep in repair.

40.—(1) Subject to the provisions of this Act the Council may enter upon take and use all or any of the lands shown on the originally deposited plans and described in the originally deposited book of reference as intended to be taken for the purposes of this part of this Act which they may require for the purposes of the new street or of the improvements and for providing space for the erection of houses and buildings adjoining or near to the new street or the improvements and for other purposes of this part of this Act.

Power to Council to take lands.

(2) [*Identical with 1 Edw. 7, c. clxxxi. s. 39 (2).*]

* See Appendix.

41. *[Requiring contributions by the councils of the metropolitan boroughs as follows:—By Wandsworth towards the widening of Mitcham Road of one-third of the net cost thereof or £9,400 (whichever shall be the less); by Deptford towards the widenings of Shardeloes Road and Lewisham High Road of one-third of the net cost thereof; and by Battersea towards the widening of Falcon Road of one-third of the net cost thereof or £1,967 (whichever shall be the less); and empowering such metropolitan borough councils to borrow for the purpose of such contributions.]*

Accounts of
receipts and
payments.

42. Separate accounts shall (if and so far as may be necessary) be kept in relation to the costs and expenses of each of the improvements referred to in the last preceding section of this Act and for the purpose of ascertaining the sums to be paid to the Council under the provisions of the said section by the councils of the metropolitan boroughs therein mentioned the Council shall notwithstanding the provisions of the Metropolitan Board of Works (Loans) Act 1869 or any other Act carry to the said accounts respectively all sums of money (if any) which may from time to time be paid to the Council under the provisions of this Act on account of the said improvements respectively whether such sums arise from the sale of materials or the sale or letting of lands or any other sums which recoup the Council part of the expenses incurred by them in carrying this Act into execution with respect to the said improvements and shall furnish to the said councils copies of the accounts relative to the improvement to which they are respectively required under the provisions of the said section to contribute.

PART V.—MISCELLANEOUS AND FINANCIAL.

Power to
work Vaux-
hall Bridge
Tramways
by electrical
power.

43. The provisions of the London County Tramways (Electrical Power) Act 1900 shall apply to the tramways authorised by the London County Council (Vauxhall Bridge Tramways) Act 1896 in all respects as though such tramways formed part of the tramways as defined in section 2 (Interpretation) of such first-mentioned Act.

Repealing
section 67 of
London County
Council (Tram-
ways and
Improvements)
Act 1904.

44. As from the completion and opening for traffic of Tramway No. 12 by this Act authorised section 67 (For preventing obstruction at Westminster Bridge) of "The London County Council (Tramways and Improvements) Act 1904" shall be and the same is hereby repealed.

Abandonment
of parts of
authorised
tramway
and subway.

45.—(1) The Council shall abandon the construction of:—

(a) So much of Tramway No. 11 authorised by the London County Council (Tramways and Improvements) Act 1904 as lies between the respective points of commencement and termination hereinbefore described of Tramway No. 19 by this Act authorised;

(b) So much of the said authorised Tramway No. 11 as lies between the common point of commencement hereinbefore described of Tramways Nos. 20A and 20B by this Act authorised and the point of termination of the said authorised Tramway No. 11;

(c) The Tramway No. 11A authorised by the said London County Council (Tramways and Improvements) Act 1904; and

(d) So much of the subway authorised by the Act of 1902 as lies between the point of commencement hereinbefore described of the deviation subway and the point of termination described in the Act of 1902 of the said authorised subway.

46. Subject to the provisions of this Act the Council may for the purposes of the widening of Nine Elms Lane described in and authorised by the London County Council (Improvements) Act 1900 purchase and take the lands in the metropolitan borough of Battersea hereinafter described and delineated on the originally deposited plans and described in the originally deposited book of reference (that is to say):—

Power to Council to purchase lands for Nine Elms Lane widening and to take parts only.

(a) Lands forming the northern portion of the warehouse and business premises situate on the south side of Nine Elms Lane and known as No. 43 Nine Elms Lane :

(b) Lands forming the southern portion of the roadway entrance to the wharf and premises situate on the north side of Nine Elms Lane and known as Mill Pond Bridge Wharf ;
or such part thereof as they may require without being required or compellable to purchase any greater part or the whole of the property of which the same respectively form part.

The provisions of this section shall be stated in every notice given thereunder by the Council to sell and convey the said lands or any part thereof.

47.—(1) The Council may by resolution appropriate and use for the purposes of or in connection with their tramway undertaking the lands in the county next hereinafter described which are now vested in the Council as the local education authority for the county (that is to say):—

Power to Council to appropriate and acquire sites for car-sheds etc.

Lands in the parish of Bromley Saint Leonard bounded on the north by lands belonging or reputed to belong to John Abbott on the north-east by the lands (a) next hereinafter described on the south-east by other lands belonging or reputed to belong to the said John Abbott and on the south-west and west by Leven Road.

(2) Subject to the provisions of this Act the Council may enter upon take and use the lands hereinafter described and delineated on the originally deposited plans and described in the originally deposited book of reference (that is to say) :—

(a) Lands in the said parish of Bromley Saint Leonard bounded on the north by land belonging or reputed to belong to the said John Abbott on the north-east by the foreshore of the River Lee on the south-east by other land belonging or reputed to belong to the said John Abbott and on the south-west by the lands described in the last preceding sub-section of this section ;

(b) Lands in the parish of Saint Mary Islington bounded on the north-west by Upper Street Islington on the south-east by High Street and on the north-east and south-west by short cross streets connecting the said streets at points respectively $4\frac{1}{2}$ chains or thereabouts and $7\frac{1}{2}$ chains or thereabouts north-eastward of the south-eastern corner of Liverpool Road ;

(c) Lands in the said parish of Saint Mary Islington situate at the junction of Warlters Road and Camden Road and bounded on the north-west by part of the garden of the premises numbered

385 in Holloway Road on the north-east by the rear of the gardens of the premises numbered 383 and 381 in Holloway Road and by the premises numbered 379 in Camden Road on the south-east by Camden Road and on the south-west by Warlters Road together with the car-shed and stables erected on part of the said lands and the house and premises numbered 377 in Camden Road erected on other part of the said lands ;

(d) Land in the parish of Saint John Hackney situate between Rookwood Road and Leabourne Road and bounded on the north by other land between the same roads on the east by Leabourne Road on the south in part by the premises numbered 3 in Leabourne Road and in other part by the premises known as "The Ark of the Covenant" and on the west partly by the last-mentioned premises and partly by Rookwood Road ;

(e) Lands in the parish of Plumstead bounded on the north by a passage-way between Grove Road and Station Wood Road on the east by the premises numbered 175 in Abbey Wood Road on the west by the premises numbered 147 in the said road and on the south by Abbey Wood Road together with the houses and premises erected on part of the said lands and known as Nos. 165 and 167 Abbey Wood Road.

(3) The Council may on any of the said lands so appropriated or acquired and on any lands now belonging to or hereafter acquired or appropriated by them for the purposes of or in connection with their tramway undertaking for the time being or on any part of any such lands erect construct and maintain all such carriage and engine houses sub-stations engines machinery shelters car-sheds stables offices buildings and other conveniences in connection with their said undertaking and of such height and cubical extent as they may consider necessary or convenient.

(4) In respect of the appropriation of lands authorised by subsection (1) of this section there shall be charged to capital account and deemed to be part of the expenditure incurred by the Council in connection with their tramway undertaking such a sum as the Council may hereafter determine and the sum so determined shall be applied by the Council in or towards capital expenditure under or to provide for the repayment of money borrowed for the purposes of the Education Acts 1870 to 1903.

Purchase of
lands by
agreement.

48. In addition to the lands delineated on the originally deposited plans and described in the originally deposited book of reference the Council may purchase by agreement in connection with and for the purposes of this Act any lands not exceeding in the whole five acres.

49—52. [*As to compensation in the case of recently altered buildings—Enabling the Council to take parts only of the properties mentioned in the Second Schedule to this Act—Power to the Council to stop up ways temporarily, to make subsidiary works, to stop up streets and appropriate the sites thereof, and to alter and interfere with drains and sewers on providing proper substitutes—Vesting the soil of streets, etc., stopped up in the Council—Substituted sewers and drains to be under the same management as existing sewers and drains.*]

53. [*As to sale of ground rents. Identical with 62 & 63 Vict. c. cexxxvii. s. 20.*]

54. The sections of the London County Council (Tramways and Improvements) Act 1901 of which the numbers and marginal notes are respectively set forth in the second and third columns of the Third Schedule to this Act are hereby incorporated with and form part of the parts of this Act of which the numbers are respectively set opposite to the said sections in the first column of the said Schedule and the said sections shall extend and apply to the tramways the new street and the improvements and works authorised by this Act and to the lands by this Act authorised to be acquired by the Council and to the Council in respect thereof as fully and effectually as if such sections had been re-enacted in this Act with reference thereto :

Incorporating certain provisions of London County Council (Tramways and Improvements) Act 1901 with various parts of Act.

Provided that for the purposes of the incorporated sections 48 and 49 of the said London County Council (Tramways and Improvements) Act 1901 the Metropolitan Water Board shall be deemed to be a Company.

55. The provisions of the London County Council (Subways) Act 1893 shall extend and apply to any subway to be constructed under the powers of this Act as well during as after the construction thereof as if such subway had been included in the expression "subway" in the Act of 1893 and all by-laws under the said Act which are in force at the passing of this Act or which shall thereafter be made shall extend and apply to every such subway and also to the subway :

Applying provisions of London County Council (Subways) Act 1893.

Provided that for the purposes of the application of the said Act of 1893 to any such subway the London Hydraulic Power Company shall be deemed to be a water company :

Provided also that for the purposes of the application of the said Act of 1893 to the subway the said Act shall only apply in so far as the subway is used for the like purposes as such subways as are referred to in the said Act.

• 56—57. [*Periods for the purchase of lands and for the completion of works limited to 3 and 5 years respectively.*]

58. [*The Council to dispose of lands within a certain period. Identical with 4 Edw. 7, c. cccxxi. s. 65, inserting the words "the new street or of" before the words "any improvement."*]

59.—(1) It shall be lawful for the London Hydraulic Power Company (in this section referred to as "the Company") to use for all or any of the purposes of their undertaking any of the lands in the parish of Saint George Hanover Square forming part of the lands acquired by the Council under the powers and for the purposes of the London County Council (Tramways and Improvements) Act 1903 which may be granted and conveyed to the Company by the Council.

As to lands to be conveyed by Council to London Hydraulic Power Company.

(2) When such lands shall have been granted and conveyed to the Company the area of land enclosed by the line of Gillingham Belgrave and Saint George's Streets (including the said streets) the centre line of the River Thames and the present boundary of the district of the Company shall thereafter be deemed to be within the district of the Company as defined by the Company's Acts of 1871 and 1884 and the Company shall have and may exercise all such powers within the said area as they now have and may exercise within the said district.

(3) In the event of any such lands being granted and conveyed to the Company such sum as the Council shall determine in respect of the cost of acquiring the lands so granted and conveyed shall be charged to and deemed to be part of the costs and expenses of the Thames Embankment extension and improvements at Westminster authorised by the London County Council (Improvements) Act 1900 and any sum so charged shall be applied by the Council in or towards capital expenditure for the purposes of or the repayment of money borrowed in connection with the tramway undertaking of the Council.

60. [Confirming the agreement set out in the Fourth Schedule to this Act.]

Money to be
raised on
capital
account.

61.—(1) The Council may expend on capital account for the purposes of this Act such money as they may from time to time think fit not exceeding six hundred and seventy-seven thousand five hundred pounds and in order to raise or provide the money required for that purpose the Council may from time to time create and issue consolidated stock or resort to the consolidated loans fund or otherwise raise money in accordance in each case with the provisions of the Acts for the time being in force regulating the raising of money for capital purposes by the Council.

Provided that nothing in this Act shall authorise the borrowing and expenditure of any money on capital account after the thirtieth day of September one thousand nine hundred and seven.

(2) The Council in accordance with the provisions in relation to redemption and repayment of the Acts relating to the raising and expenditure of money by the Council on capital account shall make provision for the redemption of stock or the repayment of money borrowed or expended on capital account for the purposes of this Act within such term not exceeding in any case sixty years as the Council with the consent of the Treasury may determine.

As to pay-
ments under
this Act.

62. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general or special county purposes within the meaning of the Local Government Act 1888 as the Council may decide. [*Part omitted (as to expenses of obtaining this Act).*]

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

LONDON COUNTY TRAMWAYS (ELECTRICAL POWER) ACT 1900.

Number of Section.	Marginal Note.
6	Power to construct and provide appliances.
7	Further provisions as to paving material of roads.
9	Application of materials excavated in construction of works.
10	Alterations in streets etc.
12	Drainage and cleaning of rails and conduit.
13	Reference of certain questions to arbitration.

SECOND SCHEDULE. [Description of Properties of which Portions only are required to be taken by the Council.]

THIRD SCHEDULE.

LONDON COUNTY COUNCIL (TRAMWAYS AND IMPROVEMENTS) ACT 1901.

Part of Act to which Incorporated Sections apply.	Number of Section Incorporated.	Marginal Note.
II.	7	Tramways not to be opened until certified by Board of Trade.
	8	As to rails of tramways.
	9	Rails to be maintained on level of roadway.
	10	Saving rights of access to sewers.
	11	Penalty for not maintaining rails and roads in good condition and inspection of tramways.
	12	Power to make additional crossings etc.
	13	Council may reduce width of footway in certain cases.
	14	Use of tramways by road authorities for certain local purposes.
	17	Power to Council to work tramways.
	19	For protection of Postmaster-General (except sub-section (5) of paragraph (b) of that section).*
IV.	22	Provision against interference with tramways.
	23	Tolls etc.
	24	Provision as to general tramway Acts.
	29	Streets may be raised or lowered.*
	30	Deviation from line and levels.*
	32	Carriage-way footway sewers and other works.*
	33	Directing how the pavement shall be laid and made.*
	34	Sewers or drains to be arched over or filled up.*
III, IV, and V.	35	Power to alter steps areas pipes etc.*
	38	Power to sell materials.*
	41	Power to certain persons to grant easements etc. by agreement.
II, III, IV, and V.	42	Correction of errors in deposited plans etc.*
	43	Power to Council to enter upon property for survey and valuation.*
	44	Costs of arbitration etc. in certain cases.*
III, IV, and V.	48	Alteration of position of water gas and other pipes.*
	49	For protection of gas and water companies.*
	50	Alteration of electric lines.
IV.	52	Power to lease surplus lands.
	54	Council may sell land in the first instance without having previously granted a lease thereof.
	55	Council may let or exchange lands.
	57	Receipts of Council to be effectual discharges.
II.	58	Power to Council to make agreements with owners of property etc.
IV.	66	Agreements for closing accounts in cases of joint works.*
II.	68	Separate account of receipts and payments relating to tramways.
IV.	69	Apportionment of expenses of certain improvements.

FOURTH SCHEDULE. [Indenture made the 17th August 1905 between the Mayor, Aldermen, and Burgesses of the Borough of Hornsey (hereinafter called "the Corporation") of the first part, the Metropolitan Electric Tramways Limited (hereinafter called "the Company") of the second part, and the London County Council (hereinafter called "the Council") of the third part, whereby after reciting (inter alia) that the Company own a tramway (hereinafter called "the boundary tramway") on the portion of Seven Sisters Road between Stroud Green Road and Green Lanes, which tramway is partly in the county of London and partly in the borough of Hornsey in the county of Middlesex, and that the Corporation are the local authority for the said borough under the Tramways Act 1870, having within six calendar months after the 6th August 1905 power to purchase so much of the boundary tramway as is within the said borough, it is provided that the

* These sections are set out in extenso in the Appendix under the title of the London County Council (Tramways and Improvements) Act 1901.

Corporation so far as they lawfully can consent to the transfer by the Company to the Council of so much of the boundary tramway as is within the said borough, and that the Council shall be entitled to purchase the boundary tramway at any time after the 10th August 1910 on giving 3 calendar months' notice of their intention so to do at a price to be settled in case of difference by arbitration in accordance with s. 43 of the Tramways Act.]

CHAPTER CLXXXVII.

AN ACT FOR PREVENTING BY AGREEMENT WITH THE PRESENT OWNERS OF CERTAIN LANDS IN THE ADMINISTRATIVE COUNTY OF LONDON THE FUTURE ERECTION OF BUILDINGS AND STRUCTURES ON SUCH LANDS, AND FOR OTHER PURPOSES.

[4th August 1906.]

[Preamble recites (inter alia) that the lands in the administrative county of London described in the first and second columns of the Schedule to this Act are at the passing of this Act free from any buildings or structures other than such buildings or structures erected upon certain of the said lands as are necessary or convenient for the use and enjoyment of such lands as gardens or for purposes of recreation or other like purposes, and that the air-spaces afforded by the said lands are of great benefit to the health and well-being of the inhabitants of the said county; and that it is expedient, with a view to perpetuating or continuing such benefit, that with the consent of the owners of and other persons interested in such lands as are set out in the first column of the Schedule to this Act the provisions contained in this Act prohibiting or restricting the erection of buildings and structures upon the said lands should be made.]

Short title.

1. This Act may be cited as the London Squares and Enclosures (Preservation) Act 1906.

Interpretation.

2. In this Act :—

“The scheduled lands” means the lands specified in the Schedule to this Act ;

“The Council” means the London County Council.

Prohibiting erection of buildings on scheduled lands.

3. Subject to the provisions of this Act it shall not as regards any of the scheduled lands be lawful for the persons respectively named in the third column of the Schedule to this Act with reference to such lands or for any person deriving after the passing of this Act title from such person to erect any building or structure on such lands. Provided that nothing in this Act shall be deemed to prevent the erection upon any part of any of the scheduled lands of any building or structure necessary or convenient for the use and enjoyment of such lands as gardens or for purposes of recreation or any like purpose.

Provision in case of future compulsory purchase.

4. If any of the scheduled lands shall at any time after the passing of this Act be purchased taken or used otherwise than by agreement with the person for the time being entitled to sell the same the amount of the purchase money or compensation payable in respect of such purchase taking or using shall be determined in all respects as if this Act had not been passed.

Provisions of Act to cease to apply if equivalent areas substituted.

5.—(1) If at any time after the passing of this Act the owner for the time being of any estate of which any of the scheduled lands form part desires to rearrange such estate or any part thereof in which any such lands are situate and such owner shall to the satisfaction of the Council (to be testified as hereinafter provided)

in connection with such rearrangement have set apart an area of land which shall having regard to its situation extent and amenities be in the opinion of the Council a sufficient substitute for such scheduled lands and have laid out and secured the permanent maintenance of such substituted area as an enclosure or area upon which no buildings or structures shall at any time be erected other than such buildings or structures as may be necessary or convenient for the use and enjoyment of such substituted area as a garden or for purposes of recreation or any like purpose thereupon the restrictions and provisions of this Act shall cease to apply to such scheduled lands and shall attach and apply to the area so set apart in lieu thereof as aforesaid and in that case nothing in this Act contained shall be deemed to prevent the erection of buildings upon such scheduled lands.

(2) When and so soon as any such substituted area has been so set apart as aforesaid to the satisfaction of the Council a certificate thereof shall be issued under the seal of the Council and a copy of such certificate certified under the hand of the Clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made.

6. Save as by this Act expressly provided nothing contained in this Act shall be construed to alter the inheritance or property of or in any of the scheduled lands or any rights or interests affecting the same.

Saving inheritance of lands.

7. Property held on trust for charitable purposes other than educational purposes shall not be bound or affected by this Act without the consent of the Charity Commissioners for England and Wales and property held on trust for educational purposes shall not be bound or affected by this Act without the consent of the Board of Education.

Saving for lands held on trust for charitable and educational purposes.

8. As regards the scheduled lands respectively described as Penn Road Caledonian Road (Triangle) Thornhill Crescent and Thornhill Square in the metropolitan borough of Islington and Hereford Square in the royal borough of Kensington the provisions of this Act shall only operate during the respective lives of the persons named in the Schedule to this Act as being entitled as tenants for life to the said lands respectively.

Limiting operation of Act in certain cases.

9. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Council as payments for general county purposes within the meaning of the Local Government Act 1888.

Costs of Act.

10. Saving always to the King's most Excellent Majesty His heirs and successors and to every other person and body politic and corporate and their respective heirs successors executors administrators and assigns (other than and except the several persons who are by this Act expressly excepted out of this general saving) all such estate right title interest claim and demand whatsoever of in to and out of or upon the scheduled lands or any part thereof as they or any of them had before the passing of this Act.

General saving.

11. Each person named in the third column of the Schedule to this Act including the King's most Excellent Majesty is as regards the scheduled lands in respect of which he is so named and every person deriving after the passing of this Act title from the person so named is excepted out of the general saving in this Act and those persons accordingly are the only persons bound by this Act.

Exceptions from general saving.

The SCHEDULE referred to in the foregoing Act.

Name of Square or Enclosure or Locality of Lands.	Description.	Name of Persons having or reputed to have Interests in Lands.	Nature of Interest or reputed Interest.
City of Westminster.			
Bessborough Gardens (Triangle).	Garden enclosure bounded on the north-west by part of the roadway of Bessborough Gardens and the premises therein numbered 1 to 11 on the north-east by other part of the said roadway and the premises therein numbered 13 to 29 and on the south by other part of the said roadway and the premises therein numbered 41 to 48 and Holy Trinity Church.	THE CROWN . . .	Fee simple.
Montpelier Square .	Garden enclosure bounded on all sides by the roadway of Montpelier Square.	The Montpelier Square Gardens Committee.	Title under Town Gardens Protection Act 1863.*

Metropolitan Borough of Camberwell.

Leyton Square . . .	Garden enclosure bounded on all sides by the roadway of Leyton Square.	The Council of the Metropolitan Borough of Camberwell.	Fee simple.
Camberwell Green .	Garden enclosure bounded on the north-east and west by the roadway known as Camberwell Green and on the south partly by the same roadway and partly by the roadway of Church Street.	The Council of the Metropolitan Borough of Camberwell.	Leasehold for 1000 years from 1856.
One Tree Hill . . .	Recreation ground bounded on the north and east by Camberwell Cemetery on the south by Honor Oak Park and on the south-west and west by the parish hall and garden ground and premises in Honor Oak Park and garden ground and premises in Honor Oak Rise.	The Council of the Metropolitan Borough of Camberwell.	Fee simple.
Sumner Road . . .	Recreation ground bounded on the north by premises Nos. 2 to 30 Middle Street on the east by premises No. 127 Commercial Road on the south by premises Nos. 101 to 123 Commercial Road and on the west partly by Camden Church Schools and partly by Sumner Road.	The Council of the Metropolitan Borough of Camberwell.	Fee simple.
Varcoe Road . . .	Recreation ground bounded on the north partly by the roadway of Verney Road and partly by the rear of premises Nos. 92 to 98 Verney Road on the east partly by the premises No. 92 Verney Road and partly by the premises No. 25 Varcoe Road on the south by the roadway of Varcoe Road and on the west by the roadway of Bramcote Road.	The Council of the Metropolitan Borough of Camberwell.	Fee simple.
Grove Lane . . .	Recreation ground bounded on the north by the rear of premises Nos. 14 to 34 (even) De Crespigny Park on the east by the London County Council Grove Lane School on the west partly by premises No. 12 De Crespigny Park and partly by premises No. 107 Denmark Hill and on the south partly by premises No. 107 Denmark Hill and partly by premises No. 5 Windsor Road.	The Council of the Metropolitan Borough of Camberwell.	Fee simple.

* See Appendix.

Name of Square or Enclosure or Locality of Lands.	Description.	Name of Persons having or reputed to have Interests in Lands.	Nature of Interest or reputed Interest.
Metropolitan Borough of Camberwell—continued.			
South Grove Rye Lane.	Enclosure bounded on the north by rear of premises Nos. 1 to 43 Elm Grove and vacant land in that road on the east by premises No. 34 Elm Grove on the south by the roadway of South Grove and on the west by the roadway of Victoria Road.	The Council of the Metropolitan Borough of Camberwell.	Fee simple.
Cox Walk Forest Hill	Enclosure bounded on the north by Lordship Lane and Dulwich Common on the east partly by the rear of premises Nos. 524 to 530 and the nursery Lordship Lane and partly by the railway embankment of the Crystal Palace branch of the London Chatham and Dover Railway on the south by the public footpath to Sydenham Hill and on the west by the premises and lands of Grove House Dulwich Common.	The Council of the Metropolitan Borough of Camberwell.	Fee simple.
Metropolitan Borough of Deptford.			
Wickham Gardens	Garden enclosure bounded on the north south-west and south by the roadway known as Wickham Gardens and on the south-east by the rear of premises Nos. 90, 92 and 91 Wickham Road.	Alfred Henry Tarleton.	Fee simple subject to a lease for 99 years from 1878.
Metropolitan Borough of Finsbury.			
King Square	Garden enclosure bounded on the north-east by President Street on the south-west by Powell Street on the west by part of the roadway of King Square and on the east by other part of the said roadway.	The Governors of St. Bartholomew's Hospital.	Fee simple.
Bartholomew Square	Garden enclosure bounded on all sides by the roadway of Bartholomew Square.	The Governors of St. Bartholomew's Hospital.	Fee simple subject to lease for 80 years from 24th June 1891.
Finsbury Square	Garden enclosure bounded on all sides by the roadway of Finsbury Square and the premises therein.	The Council of the Metropolitan Borough of Finsbury. The Ecclesiastical Commissioners.	Leasehold under the above-mentioned lease. Fee simple.
Northampton Square	Public garden enclosure bounded on the north-west by part of the roadway of Northampton Square and the premises therein numbered 8 to 18 on the north-east by other part of the said roadway and the premises numbered 18A to 25 Northampton Square and by Upper Charles Street on the south-east by other part of the said roadway and the premises numbered 26 to 35 Northampton Square and on the south-west by other part of the said roadway and the premises numbered 2 to 6 Northampton Square and by the Northampton Institute and Lower Charles Street.	The Council of the Metropolitan Borough of Finsbury.	Fee simple.
The Triangle St. John Street.	A triangular enclosure of land bounded on all sides by the roadway of St. John Street.	The Council of the Metropolitan Borough of Finsbury.	Fee simple.
Wilmington Square	Public garden enclosure and fountain bounded on all sides by the roadway of Wilmington Square.	The Council of the Metropolitan Borough of Finsbury.	Fee simple.

Name of Square or Enclosure or Locality of Lands.	Description.	Name of Persons having or reputed to have Interests in Lands.	Nature of Interest or reputed Interest.
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Metropolitan Borough of Greenwich.

Westcombe Hill (otherwise known as Batley Park).	Enclosed lands (formerly roadside wastes) bounded on the north-west and south-east by the roadway of Charlton Road and on the west by the roadway known as Westcombe Hill.	The Council of the Metropolitan Borough of Greenwich.	In possession since 1900.
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Metropolitan Borough of Hackney.

St. Thomas' Square .	Enclosed garden bounded on the north south and east by the roadway of St. Thomas' Square and on the west by Mare Street.	The Governors of St. Thomas' Hospital.	Fee simple.
Shacklewell Lane (Green and Triangle).	Garden enclosures bounded on all sides by the roadway of Shacklewell Lane and fronting the premises Nos. 102 to 128 (even) on the south-east side of the said lane and Nos. 105 to 123 and 121A to 129A (odd) inclusive on the north-west side of the said lane. Garden enclosure at the southern end of Shacklewell Lane near the junction therewith of Downs Park Road and fronting the premises Nos. 35 to 39 (odd) and Nos. 30 to 42 (even) Shacklewell Lane and the printing works Downs Park Road.	The Council of the Metropolitan Borough of Hackney. The Council of the Metropolitan Borough of Hackney.	Fee simple. Fee simple.
Stonebridge Common	Garden enclosure bounded on the north-west east and south-east by the roadway of Haggerstone Road.	The Council of the Metropolitan Borough of Hackney.	Fee simple.
Kenton Road (Triangle).	Enclosed land at the northern end of Queen Ann Road at its junction with Kenton Road and Valentine Road and bounded on all sides by Kenton Road Well Street.	The Council of the Metropolitan Borough of Hackney.	Fee simple.

Metropolitan Borough of Hampstead.

Stanley Gardens .	Garden enclosure bounded on all sides by the roadway of Stanley Gardens.	The Ecclesiastical Commissioners.	Fee simple.
Chalcot Gardens .	Garden enclosure bounded on the north-west by the roadway of England's Lane and on the south-east by the roadway of Chalcot Gardens.	The Provost and College of Eton.	Fee simple.

Metropolitan Borough of Islington.

Canonbury Square .	Garden enclosures bounded on all sides by the roadway of Canonbury Square and separated by Canonbury Road.	The Council of the Metropolitan Borough of Islington.	Fee simple.
Penn Road .	Garden enclosure situate at the eastern end of Penn Road and abutting on Caledonian Road.	Sir John Poynder Dickson - Poynder Bart. The Council of the Metropolitan Borough of Islington.	Tenancy for life subject to lease for 90 years from 25th March 1864. Leasehold under the above-mentioned lease.

Name of Square or Enclosure or Locality of Lands.	Description.	Name of Persons having or reputed to have Interests in Lands.	Nature of Interest or reputed Interest.
Metropolitan Borough of Islington—continued			
Caledonian Road (Triangle).	Garden enclosure bounded on all sides by the portion of Caledonian Road upon which about the premises known as Nos. 138 to 151 (even) Caledonian Road and Thornhill Wharf and No. 125 Caledonian Road.	Arthur John Thornhill. The Council of the Metropolitan Borough of Islington.	Tenancy for life subject to lease for 99 years from 29th September 1863. Leasehold under the above-mentioned lease. Fee simple.
Edward's Square	Garden enclosure bounded on all sides by the portion of the roadway of Edward's Square upon which about the premises known as Nos. 4 to 8 11 to 26 30 to 34 39 to 51 Edward's Square.	The Council of the Metropolitan Borough of Islington.	Fee simple.
Thornhill Crescent	Enclosure bounded on the north by the roadway of Thornhill Crescent and the premises therein numbered 1 to 13 and on the south by Lofting Road and St. Andrew's Church.	Arthur John Thornhill.	Tenancy for life.
Thornhill Gardens	Garden enclosure bounded on the north by the roadway of Malvern Terrace and the premises therein numbered 1 to 11 on the south by the roadway of Richmond Road and the premises therein numbered 84 to 94 (even) on the east by the roadway of Thornhill Road and the premises therein numbered 2 to 8 and on the west by the rear of the premises known as Nos. 1 to 4 Richmond Crescent and by St. Thomas's Vicarage.	The Council of the Metropolitan Borough of Islington.	Fee simple.
Thornhill Square	Garden enclosure bounded on the north by St. Andrew's Church and on the south-east and west by the roadway of Thornhill Square.	Arthur John Thornhill.	Tenancy for life.
Islington Green	Triangular garden enclosure bounded on the north and south-east by the roadway of Islington Green and the premises known as Nos. 1 and 32 Camden Street and on the west by the roadway of Upper Street.	The Council of the Metropolitan Borough of Islington.	Fee simple.
Newington Green	Garden enclosure bounded on all sides by the roadway of Newington Green.	The Council of the Metropolitan Borough of Islington.	Fee simple.
Kingsdown Road	Garden enclosure bounded on the north-west north-east and south-west by the roadway of Mitford Road and the premises Nos. 111 and 113 Kingsdown Road and on the south-east by the roadway of Kingsdown Road and the premises No. 365 Hornsey Road.	The Council of the Metropolitan Borough of Islington.	Fee simple.
Market Road (play-ground and garden)	Enclosure bounded on the north by the roadway of Market Road on the east by the premises and factory (unoccupied) in Market Road on the south by Gordon's Brewery Brewery Road and on the west by the Horse Repository Market Road.	The Council of the Metropolitan Borough of Islington.	Fee simple.
Highbury Park	Enclosed land bounded on the north by other enclosed land belonging to Robert Palmer Webb and on the east south and west by the roadway of Highbury Park.	Rev. George Thompson.	Fee simple.

Name of Square or Enclosure or Locality of Lands.	Description.	Name of Persons having or reputed to have Interests in Lands.	Nature of Interest or reputed Interest.
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Royal Borough of Kensington.

Hereford Square	Garden enclosure bounded on the north west and south by the roadway of Hereford Square and on the east by the roadway of Gloucester Road.	Herbert Allen Day.	Tenancy for life.
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Metropolitan Borough of Lambeth.

Melbourne Square	Garden enclosure bounded on the south and east by the roadway of Melbourne Square on the north-west by Normandy Place and on the north by Cowley Road.	The Ecclesiastical Commissioners.	Fee simple subject to a yearly tenancy.
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Metropolitan Borough of Lewisham.

Addington Grove	Garden enclosure bounded on all sides by the roadway of Addington Grove and situate at the northern end thereof.	The Council of the Metropolitan Borough of Lewisham.	Fee simple.
Adelaide Road	Garden enclosure situate at the junction of Montague Avenue and Adelaide Road bounded on all sides by the roadway of Adelaide Road.	The Council of the Metropolitan Borough of Lewisham.	Fee simple.
	Garden enclosure situate at the junction of St. Margaret's Road and Adelaide Road and bounded on all sides by the roadway of Adelaide Road.	The Council of the Metropolitan Borough of Lewisham.	Fee simple.
Dermody Road (Triangle).	Garden enclosure bounded on the north by Dermody Road and on the south east and west by the roadway of Dermody Gardens.	The Council of the Metropolitan Borough of Lewisham.	Fee simple.
Queen's Road (Circle)	Garden situate at the southern end of Queen's Road bounded by the roadway thereof.	Ernest George Wolffgang.	In possession since 1878.
Stanton Square	Enclosure situate at the eastern end of Stanton Square bounded on all sides by the roadway of Stanton Square.	The Council of the Metropolitan Borough of Lewisham.	Fee simple.
Stanstead Road (Triangle)	Garden enclosure situate at the junction of Stanstead Road and Glenwood Road and opposite St. Dunstan's College.	The Council of the Metropolitan Borough of Lewisham.	Fee simple.
High Street (east side).	Enclosure through which flows the Quaggy River bounded on all sides by the roadway of High Street.	The Council of the Metropolitan Borough of Lewisham.	Fee simple.
High Street (east side).	Three garden enclosures situate opposite Stanley Villa Ellerdene Oakdene Ivy Villa Burnham Rock Villa Keston Lulworth Rushey Green and bounded on all sides by pathways.	The Council of the Metropolitan Borough of Lewisham.	Fee simple.
High Street (strips west side).	Nineteen garden enclosures bounded on all sides by the roadway of High Street extending from No. 232A High Street to the junction of Felday Road and High Street.	The Council of the Metropolitan Borough of Lewisham.	Fee simple.
	Four garden enclosures situate opposite Thackeray's Almshouses Nos. 4 to 28 (even) and the Lewisham Grammar School for Girls Rushey Green and bounded on all sides by roadways.	The Council of the Metropolitan Borough of Lewisham.	Fee simple.
Rushey Green	Five garden enclosures situate on the eastern side of Rushey Green bounded on all sides by the roadway of Rushey Green and fronting the premises numbered 57 to 139 (odd) in the said road.	The Council of the Metropolitan Borough of Lewisham.	Fee simple.

Name of Square or Enclosure or Locality of Lands.	Description.	Name of Persons having or reputed to have Interests in Lands.	Nature of Interest or reputed Interest.
Metropolitan Borough of St. Pancras.			
Camden Gardens	Garden enclosure bounded on the south-west by the roadway of Camden Gardens on the west by Kentish Town Road on the north and north-west by Camden Street and intersected by the North London and London and North Western Railways.	The Marquess Camden.	Fee simple.
Munster Square	Two garden enclosures bounded on all sides by the roadway of Munster Square and separated by Osnaburgh Street.	THE CROWN The London County Council.	Fee simple subject to lease for 31 years from 10th October 1905. Leasehold under the above-mentioned lease.
Clarence Gardens	Two garden enclosures bounded on all sides by the roadway of Clarence Gardens and separated by Osnaburgh Street.	THE CROWN.	Fee simple.
Pond Square	Three enclosures of land bounded on the south-east by the roadway of South Grove and on all other sides by the roadway of Pond Square.	The Council of the Metropolitan Borough of St. Pancras.	Fee simple.
College Gardens	Garden enclosure bounded on the north-east by King's Road on the south-west by Great College Street and on the south-east by the road connecting Jeffries Street and Wilmot Place.	The Council of the Metropolitan Borough of St. Pancras.	Fee simple.
Lismore Circus	Garden enclosure bounded on all sides by the roadway of Lismore Circus.	The Council of the Metropolitan Borough of St. Pancras.	Fee simple.
Metropolitan Borough of Shoreditch.			
Charles Square	Garden enclosure bounded on all sides by the roadway of Charles Square.	The Council of the Metropolitan Borough of Shoreditch.	Fee simple.
Hoxton Square	Garden enclosure bounded on all sides by the roadway of Hoxton Square.	The Council of the Metropolitan Borough of Shoreditch.	Leasehold for 99 years from 25th March 1901.
Windsor Terrace	Enclosure situate at the junction of Windsor Terrace with City Road.	The Governors of St. Bartholomew's Hospital. The Council of the Metropolitan Borough of Shoreditch.	Fee simple subject to lease for 80 years from 25th March 1897. Leasehold under the above-mentioned lease.
Metropolitan Borough of Southwark.			
Redcross Gardens	Garden enclosure bounded on the west by premises known as Nos. 1 to 6 Redcross Cottages on the north and south by buildings in Redcross Street and on the east by Redcross Street.	The Ecclesiastical Commissioners.	Fee simple subject to lease for 999 years from 25th December, 1886.
Portland Terrace	Enclosed land bounded on the north-west by Warner Street on the south by part of the roadway of New Kent Road and on the east by other part of the said roadway.	The Governors of St. Bartholomew's Hospital.	Fee simple subject to lease for 80 years from 1898.

Name of Square or Enclosure or Locality of Lands.	Description.	Name of Persons having or reputed to have Interests in Lands.	Nature of Interest or reputed Interest.
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Metropolitan Borough of Stepney.

Trafalgar Square .	Garden enclosure bounded on the north-east and south by the roadway of Trafalgar Square and on the west by the roadway of White Horse Lane.	The Council of the Metropolitan Borough of Stepney.	Fee simple.
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Metropolitan Borough of Wandsworth.

West Hill Road .	Triangular garden enclosure bounded on the north partly by the roadway of part of West Hill Road and partly by the roadway of part of Wimbledon Park Road on the south-east by the roadway of other part of Wimbledon Park Road and on the south-west by other part of the roadway of West Hill Road.	The Council of the Metropolitan Borough of Wandsworth.	Fee simple.
West Hill Road .	Triangular enclosed space bounded on the north-west by a portion of Avenue Road on the north-east by the roadway of West Hill Road and on the south by the roadway of Viewfield Road.	The Council of the Metropolitan Borough of Wandsworth.	Fee simple.
Melrose Road (Triangle).	Garden enclosure bounded on the east and west by the roadways of Viewfield Road at the junction of that road with Melrose Road and on the south by Melrose Road.	The Council of the Metropolitan Borough of Wandsworth.	Fee simple.

Metropolitan Borough of Woolwich.

Paget Terrace .	Three garden enclosures bounded on the north by the roadway of Paget Terrace on the south by the roadway of Paget Road on the east by land belonging to Edward Samson Covill and on the west by land belonging to Henry Berry.	Charles Carthew and Frederick Wilder.	Fee simple (joint tenancy).
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CHAPTER CXCIIL.

AN ACT TO REGULATE THE EXPENDITURE OF MONEY BY THE LONDON COUNTY COUNCIL ON CAPITAL ACCOUNT DURING THE CURRENT FINANCIAL PERIOD AND THE RAISING OF MONEY TO MEET SUCH EXPENDITURE AND FOR OTHER PURPOSES.

[4th August 1906.]

[Preamble.]

Short title. **1.** This Act may be cited for all purposes as the London County Council (Money) Act 1906 and the London County Council (Money) Acts 1875 to 1905 and this Act may be cited together as the London County Council (Money) Acts 1875 to 1906.

Construction of Act. **2.** This Act shall subject to the provisions thereof be read and have effect as one with the Metropolitan Board of Works (Loans) Acts 1869 to 1871 and the London County Council (Money) Acts 1875 to 1905.

But all consolidated stock created by the Council shall be charged upon the county rate in substitution for the consolidated rate.

3. In and for the purposes of this Act—Interpreta-
tion.

The expression “the Council” shall mean the London County Council;

The expression “metropolitan borough council” shall mean the council of a metropolitan borough constituted under the London Government Act 1899;

The expression “the financial year” shall mean the period from the first day of April one thousand nine hundred and six to the thirty-first day of March one thousand nine hundred and seven both dates inclusive;

The expression “the following six months” shall mean the period from the first day of April one thousand nine hundred and seven to the thirtieth day of September one thousand nine hundred and seven both dates inclusive;

The expression “the financial period” shall mean the financial year and the following six months.

4. The Council may during the financial year and the following six months respectively expend on capital account for the purposes mentioned in Parts I. and II. of the Schedule to this Act such sums as they may think fit not exceeding the amounts respectively mentioned in the said parts of the said Schedule in relation to such purposes for the said periods respectively:

Power to
expend
money for
sundry pur-
poses during
financial
period.

Provided that the Council may expend for any purpose in the following six months (in addition to any other moneys which they are by this Act authorised to expend in that period) any moneys which they are by this Act authorised to expend for that purpose in the financial year and which they shall not have expended in that year:

Provided also that any money expended under the powers of this section in the following six months shall be expended on account of the financial year ending the thirty-first day of March one thousand nine hundred and eight.

Moneys expended under the authority of this section for the purposes aforesaid shall be repayable within such term not exceeding in any case sixty years as the Council with the consent of the Treasury may determine.

5.—(1) If by reason of unforeseen circumstances the amounts by this Act authorised to be expended for any of the various purposes in this Act set forth are found to be insufficient the Council may from time to time during the financial period apply to the Treasury for authority and the Treasury may authorise the Council to expend for any such purposes such further sums as may be proved to their satisfaction to be necessary or desirable not exceeding in the aggregate in the financial year four hundred thousand pounds and in the following six months one hundred and fifty thousand pounds. And the Treasury in giving such authority shall prescribe the times within which such sums shall be repaid.

Expenditure
for general
purposes.

100,000/.

150,000/.

(2) The tables to accompany the Bill of the Council for powers to expend and raise money in the next session of Parliament shall specify any particular sums authorised under this section and the application thereof.

6. [Power to the Council during the financial period to lend to metropolitan borough councils, corporations, or other public bodies in London—Provision as to repayment. Identical with such provision in 2 Edw. 7, c. clxiv, s. 6.]

7. [Power to the Council during the financial period to lend to boards of guardians in London—Provision as to repayment. Identical with such provision in 61 & 62 Vict. c. cccxii. s. 7.]

8. [Power to the Council during the financial period to lend to the Managers of the Metropolitan Asylum District.]

9. [Power to the Council during the financial period to lend to persons for the purposes of the Small Dwelling Acquisitions Act 1899. Identical with 3 Edw. 7, c. cccviii. s. 11.]

10. [Protection of the Council in case of certain loans. Identical with 54 & 55 Vict. c. 62, s. 13, omitting the words “body of Commissioners.”]

As to money
lent by
Council
in certain
cases.

11. Money lent by the Council under the powers of this Act during the six months ending the thirtieth day of September one thousand nine hundred and seven shall be lent on account of the financial year ending the thirty-first day of March one thousand nine hundred and eight.

12. [Power to the Council to raise money by creation of consolidated stock. Identical with 4 Edw. 7, c. xcvi. s. 14.]

13. [As to repayment of moneys lent by the Council. Identical with 62 & 63 Vict. c. cccxxviii. s. 15.]

New
redeemable
consolidated
stock.

14. All stock created under the powers of this section shall form part of and rank equally with the consolidated stock created under the powers of the London County Council (Money) Acts 1896 to 1905 and shall also rank equally with all consolidated stock created under the powers of any subsequent Act if the same be thereby declared to rank equally with consolidated stock created under the powers of this section.

[Part omitted identical with 59 & 60 Vict. c. ccxiv. s. 14, down to the words “sinking fund in respect of such stock.”]

15. [As to the employment of money of the Consolidated Loans Fund for expenditure or loans. Identical with 4 Edw. 7, c. xcvi. s. 17.]

16. [As to the investment of money of the Consolidated Loans Fund. Identical with 59 & 60 Vict. c. ccxiv. s. 16.]

17. [Power to the Council after issue of stock to apply money raised by stock to make up dividends from fixed dates. Identical with 5 Edw. 7, c. cxliii. s. 17.]

18. [As to the redemption or conversion of stock. Identical with 59 & 60 Vict. c. ccxiv. s. 18.]

Limit to
exercise of
borrowing
powers.

19. During the financial period the Council shall not (except for such temporary period not exceeding six months as the Treasury may sanction) raise otherwise than in conformity with and to the extent mentioned in this Act any money under any powers of borrowing conferred upon the Council either by this Act or by any other Act. Provided always that the limitations contained in this section shall not extend to limit or control the raising of money under the authority of section 8 of the Metropolitan Board of Works (Loans) Act 1875 or for the purpose of repaying the principal money raised by any London County bills.

20. [Incorporation of ss. 27—43 of 48 & 49 Vict. c. 50. Identical with 59 & 60 Vict. c. ccxiv. s. 21.]

21. [Provisions as to raising money by bills spent.]

22. [*Application of ss. 8—11 of the Forgery Act 1861* to London County Bills. Identical with 61 & 62 Vict. c. cexxii. s. 24.*]

23. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (as to expenses of obtaining this Act). Spent.*]

SCHEDULE. [*Particulars of purposes for which moneys may be raised under this Act, and of the sums authorised to be raised for such purposes.*]

7 EDWARD VII. A.D. 1907.

CHAPTER 55.

AN ACT TO AMEND THE LAW RELATING TO CABS AND STAGE CARRIAGES IN LONDON. [28th August 1907.]

[*Preamble.*]

1.—(1) The Secretary of State shall have power by regulations made under section nine of the Metropolitan Public Carriage Act, 1869, to fix the fares to be paid for the hire in London of cabs fitted with taximeters, either on the basis of time or distance or both, and so as to differ for different classes of cabs and under different circumstances. Provided that the fare fixed for horse cabs fitted with taximeters shall not be less than at the rate of sixpence for every mile so far as the fare is fixed on the basis of distance, and of sixpence for every twelve minutes so far as the fare is fixed on the basis of time, and that no fare shall be less than sixpence.

(2) Regulations made under this section, so far as inconsistent with any enactment relating to the fare to be paid for the hire of cabs in London, shall take effect notwithstanding that enactment, and any enactments relating to cabs in London shall, as respects cabs for which fares are fixed under this Act, be construed as if a reference to the fares so fixed were substituted for a reference to the fares fixed under any of those enactments.

2.—(1) In the admission of cabs to a railway station, or in the treatment of cabs while in a railway station, the company having the control of the station shall not show any preference to any cab, or give any cab a privilege, which is not given to other cabs; and where any charge is made in respect of the admission of any cab to a railway station for the purpose of plying for hire therein, the charge made shall not exceed such sum as may be allowed by the Secretary of State.

(2) If it is proved to the satisfaction of the Secretary of State that it will not be possible to obtain a sufficient supply of cabs at a railway station for the proper accommodation of the public, unless the operation of this section is suspended or modified as respects that station, the Secretary of State may by order so modify or suspend the operation of this section with respect to that station, subject to such conditions as may be specified in the order.

* See Appendix.

(3) In this section the expression "railway station" includes the precincts thereof and the approaches thereto.

(4) Nothing in this section shall affect the liability of cabs or the drivers thereof to comply with any regulations or conditions which may be made by the company having control of a railway station for the purpose of maintaining order or dealing with the traffic at such station, including regulations as to—

- (i) The number of cabs to be admitted at any one time ;
- (ii) The rejection of cabs and drivers unfit for admission ; and
- (iii) The expulsion of any cabman who has been guilty of misconduct, or of a breach of the company's byelaws or regulations.

(5) This section shall come into operation on the first day of January nineteen hundred and eight, and shall remain in force up to the first day of January nineteen hundred and ten.

Application of statutory provisions to stage carriages plying partly within and partly without London
6 & 7 Vict. c. 86.
32 & 33 Vict. c. 115.

3. The Secretary of State may by general or special order apply to stage carriages which on every journey go to or come from some town or place beyond London, or any class of such stage carriages, any provisions of the Acts relating to stage carriages in London, from which those stage carriages are exempted by virtue of section two of the London Hackney Carriages Act, 1843, or section five of the Metropolitan Public Carriage Act, 1869, subject to any exceptions contained in the order.

Stopping places for stage carriages.

4. The Commissioner of Metropolitan Police, and as respects the city of London the Commissioner of City Police, may give directions with respect to the stopping places for stage carriages in London, and if the driver or conductor of any stage carriage acts in contravention of any direction so given, he shall be liable in respect of each offence on summary conviction to a penalty not exceeding forty shillings.

Application of statutory provisions to carriages used on light railways running in streets.
33 & 34 Vict. c. 78.
59 & 60 Vict. c. 48.

5. Section forty-eight of the Tramways Act, 1870 * (which applies to tramways certain of the enactments relating to hackney carriages in London), and any enactments relating to stage carriages or metropolitan stage carriages in London, shall apply in the case of carriages used on any street or road in London by virtue of an order made under the Light Railways Act, 1896, in the same manner as they apply in the case of carriages used on a tramway.

Definitions.
32 & 33 Vict. c. 115.

6.—(1) In this Act the expression "stage carriage" has the same meaning as in the Metropolitan Public Carriage Act, 1869, as amended by this Act, the expression "cab" has the same meaning as the expression "hackney carriage" has in that Act, the expression "fare" includes any payment to be made for the carriage of luggage on a cab, and any other payment to be made in respect of the hire of a cab, and the expression "taximeter" means any appliance for measuring the time or distance for which a cab is used or for measuring both time and distance which is for the time being approved for the purpose by or on behalf of the Secretary of State.

(2) It is hereby declared that for the purposes of any Act relating to hackney carriages, stage carriages, metropolitan stage carriages, or cabs, in London, the expressions "hackney carriage," "stage carriage," "metropolitan stage carriage," or "cab" include any such vehicle, whether drawn or propelled by animal or mechanical

* See Appendix.

power, and section seven of the London Hackney Carriage Act, 1833, is hereby repealed. 3 & 4 Will. 4. c. 48.

(3) In this Act the expression "London" means the metropolitan police district and the city of London.

7.—(1) This Act may be cited as the London Cab and Stage Carriage Act, 1907. Short title and extent of Act.

(2) This Act shall only apply to London as defined by this Act.

CHAPTER IX.

AN ACT TO CONFIRM A PROVISIONAL ORDER MADE BY THE BOARD OF EDUCATION UNDER THE EDUCATION ACTS 1870 TO 1903 TO ENABLE THE LONDON COUNTY COUNCIL TO PUT IN FORCE THE LANDS CLAUSES ACTS. [26th July 1907.]

[*Preamble recites (inter alia) that the Board of Education have made a Provisional Order under the authority of the Education Acts 1870 to 1903 on behalf of the London County Council (herein-after called "the Council").*]

1. The following Order as set out in the Schedule to this Act shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force. Confirmation of Order in Schedule.

2. [*Saving of public rights of way. Identical with 4 Edw. 7, c. cxii. s. 2.*]

3. [*Power to the Council to appropriate for street widenings portions of sites acquired. Identical with 4 Edw. 7, c. cxii. s. 5.*]

4. [*As to compensation in the case of recently altered buildings. Identical with 5 Edw. 7, c. cxiii. s. 4, substituting "30th October 1906" for "18th October 1904."*]

5. And whereas in the exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto. And whereas notice was duly given to all the owners or reputed owners lessees or reputed lessees and occupiers of the houses or other buildings or manufactories herein-after referred to in the month of December last before the issue of the said Order that this Act might contain provisions to the following effect. Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories shown on plan No. 3 and distinguished thereon by the numbers 11 12 and 13 and described in the Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Council the portions only of the premises so required without the Council being obliged or compellable to purchase the whole or any greater portion thereof the Council paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise. Owners may be required to sell parts only of certain lands and buildings.

Short title.

6. The Act may be cited as the Education Board Provisional Order Confirmation (London No. 2) Act 1907.

SCHEDULE. [*Provisional Order of the Board of Education, dated the 27th April 1907, authorising the London County Council to put in force the Lands Clauses Acts for the purchase and taking otherwise than by agreement of certain lands in the metropolitan boroughs of Finsbury and Kensington, which lands are delineated on the plans Nos. 3 and 9 referred to in such Order.*]

CHAPTER CXII.

AN ACT TO CONFIRM A PROVISIONAL ORDER MADE BY THE BOARD OF EDUCATION UNDER THE EDUCATION ACTS 1870 TO 1903 TO ENABLE THE LONDON COUNTY COUNCIL TO PUT IN FORCE THE LANDS CLAUSES ACTS. [2nd August 1907.]

[*Preamble recites (inter alia) that the Board of Education have made a Provisional Order under the authority of the Education Acts 1870 to 1903 on behalf of the London County Council (hereinafter called "the Council").*]

Confirmation of Order in Schedule.

1. The following Order as set out in the Schedule to this Act shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force.

2. [*Saving of public rights of way. Identical with 4 Edw. 7, c. cxii. s. 2.*]

3. [*Power to the Council to appropriate for street widenings portions of sites acquired. Identical with 4 Edw. 7, c. cxii. s. 5.*]

4. [*As to compensation in the case of recently altered buildings. Identical with 5 Edw. 7, c. ciii. s. 4, substituting "30th October 1906" for "18th October 1904."*]

Owners may be required to sell parts only of certain lands and buildings.

5. And whereas in the exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto And whereas notice was duly given to all the owners or reputed owners lessees or reputed lessees and occupiers of the houses or other buildings or manufactories herein-after referred to in the month of December last before the issue of the said Order that this Act might contain provisions to the following effect Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories shown on plan No. 1 and distinguished thereon by the number 7 and described in the Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Council the portions only of the premises so required without the Council being obliged or compellable to purchase the whole or any greater portion thereof the Council paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

6. This Act may be cited as the Education Board Provisional Short title.
Order Confirmation (London No. 1) Act 1907.

SCHEDULE. [*Provisional Order of the Board of Education, dated 13th April 1907, authorising the London County Council to put in force the Lands Clauses Acts for the purchase and taking otherwise than by agreement of certain lands in the metropolitan boroughs of Bermondsey, Fulham, Kensington, Lambeth, Poplar, St. Marylebone, Shoreditch, Southwark, Stepney, and Wandsworth, which lands are delineated on the plans Nos. 1, 4, 8, 12, 18, 22, 23, 30, 31, 34, 37, 39, and 40 referred to in such Order.*]

CHAPTER CXXXVIII.

AN ACT TO REGULATE THE EXPENDITURE OF MONEY BY THE LONDON COUNTY COUNCIL ON CAPITAL ACCOUNT DURING THE CURRENT FINANCIAL PERIOD AND THE RAISING OF MONEY TO MEET SUCH EXPENDITURE: AND FOR OTHER PURPOSES. [21st August 1907.]

[*Preamble.*]

1. This Act may be cited for all purposes as the London County short title.
Council (Money) Act 1907 and the London County Council (Money)
Acts 1875 to 1906 and this Act may be cited together as the London
County Council (Money) Acts 1875 to 1907.

2. This Act shall subject to the provisions thereof be read and Construction
have effect as one with the Metropolitan Board of Works (Loans) of Act.
Acts 1869 to 1871 and the London County Council (Money) Acts
1875 to 1906.

But all consolidated stock created by the Council shall be charged upon the county rate in substitution for the consolidated rate.

3. In and for the purposes of this Act—

The expression “the Council” shall mean the London County Interpretation.
Council;

The expression “metropolitan borough council” shall mean the council of a metropolitan borough constituted under the London Government Act 1899;

The expression “the financial year” shall mean the period from the first day of April one thousand nine hundred and seven to the thirty-first day of March one thousand nine hundred and eight both dates inclusive;

The expression “the following six months” shall mean the period from the first day of April one thousand nine hundred and eight to the thirtieth day of September one thousand nine hundred and eight both dates inclusive;

The expression “the financial period” shall mean the financial year and the following six months.

4. The Council may during the financial year and the following six months respectively expend on capital account for the purposes of tend money
mentioned in Parts I. and II. of the Schedule to this Act such sums for sundry
as they may think fit not exceeding the amounts respectively men- purposes
tioned in the said parts of the said Schedule in relation to such financial period.
purposes for the said periods respectively.

Provided that the Council may expend for any purpose in the following six months (in addition to any other moneys which they are by this Act authorised to expend in that period) any moneys which they are by this Act authorised to expend for that purpose in the financial year and which they shall not have expended in that year.

Provided also that any money expended under the powers of this section in the following six months shall be expended on account of the financial year ending the thirty-first day of March one thousand nine hundred and nine.

Moneys expended under the authority of this section for the purposes aforesaid shall be repayable within such term not exceeding in any case sixty years as the Council with the consent of the Treasury may determine.

Expenditure
for general
purposes.

£250,000.

£100,000.

5.—(1) If by reason of unforeseen circumstances the amounts by this Act authorised to be expended for any of the various purposes in this Act set forth are found to be insufficient the Council may from time to time during the financial period apply to the Treasury for authority and the Treasury may authorise the Council to expend for any such purposes such further sums as may be proved to their satisfaction to be necessary or desirable not exceeding in the aggregate in the financial year two hundred and fifty thousand pounds and in the following six months one hundred thousand pounds. And the Treasury in giving such authority shall prescribe the times within which such sums shall be repaid.

(2) The tables to accompany the Bill of the Council for powers to expend and raise money in the next session of Parliament shall specify any particular sums authorised under this section and the application thereof.

6. [*Power to the Council during the financial period to lend to metropolitan borough councils, corporations, or other public bodies in London. Provision as to repayment identical with 2 Edw. 7, c. clxiv. s. 6 (iii), substituting the words "Housing of the Working Classes Acts 1890 to 1903" for the words "Housing of the Working Classes Act 1890."*]

7. [*Power to the Council during the financial period to lend to boards of guardians in London. Provision as to repayment identical with such provision in 61 & 62 Vict. c. cccxii. s. 7.*]

8. [*Power to the Council during the financial period to lend to the Managers of the Metropolitan Asylum District.*]

9. [*Power to the Council during the financial period to lend to persons for the purposes of the Small Dwellings Acquisition Act 1899. Provision for repayment identical with such provision in 3 Edw. 7, c. cccviii. s. 11.*]

10. [*Protection of the Council in case of certain loans. Identical with 54 & 55 Vict. c. 62, s. 13, omitting the words "body of commissioners" and substituting the word "person" for the word "persons."*]

As to money
lent by
Council in
certain cases.

11. Money lent by the Council under the powers of this Act during the six months ending the thirtieth day of September one thousand nine hundred and eight shall be lent on account of the financial year ending the thirty-first day of March One thousand nine hundred and nine.

12. [*As to repayment of moneys lent by the Council. Identical with 62 & 63 Vict. c. cccxxviii. s. 15.*]

13. [*Power to the Council to raise money by creation of consolidated stock. Identical with 4 Edw. 7, c. xcvii. s. 14.*]

New
redeemable
consolidated
stock.

14. All stock created under the powers of this section shall form part of and rank equally with the consolidated stock created under the

powers of the London County Council (Money) Acts 1896 to 1906 and shall also rank equally with all consolidated stock created under the powers of any subsequent Act if the same be thereby declared to rank equally with consolidated stock created under the powers of this section. [*Part omitted identical with 59 & 60 Vict. c. cxxiv. s. 14, down to the words "sinking fund in respect of such stock."*]

15.—(1) Where the Council are by this Act authorised to raise money for expenditure for any purpose on capital account they may with the approval of the Treasury instead of raising such money or any part thereof by the creation and issue of consolidated stock employ for that purpose any money for the time being standing to the capital account of the Consolidated Loans Fund and realise for that purpose any securities in which such money shall be at the time invested.

(2)—(3) [*Identical with 59 & 60 Vict. c. cxxiv. s. 15 (2)—(3).*]

(4) [*Identical with 4 Edw. 7. c. xevii. s. 17 (4), with the addition of the words "and issue" after the word "creation."*]

16. [*As to the investment of money of the Consolidated Loans Fund. Identical with 59 & 60 Vict. c. cxxiv. s. 16.*]

17. [*Power to the Council after issue of stock to apply money raised by stock to make up dividends from fixed dates. Identical with 5 Edw. 7. c. exliii. s. 17.*]

18. [*As to the redemption or conversion of stock. Identical with 59 & 60 Vict. c. cxxiv. s. 18.*]

19. [*Limit to exercise of borrowing powers. Identical with 6 Edw. 7. c. exciii. s. 19.*]

20. [*Incorporation of ss. 27—43 of 48 & 49 Vict. c. 50. Identical with 59 & 60 Vict. c. cxxiv. s. 21.*]

21. Instead of raising for any purposes by the creation and issue of stock money which they are authorised to raise by that method under the powers of this Act the Council may raise for those purposes such money by means of bills subject to and in accordance with the provisions of section 21 of the London County Council (Money) Act 1897.

Provisions as to raising money by bills.

Provided that notwithstanding the provisions contained in sub-section (10) of section 21 of the said Act of 1897 the aggregate amount payable on bills current at any one time shall not exceed:—

(a) In the case of bills issued for the purpose of the renewal of bills issued under the powers of section 27 of the London County Council (Money) Act 1904 for the purpose of the loan to the Council of the Metropolitan Borough of St. Marylebone referred to in section 6 of that Act the sum of one million five hundred thousand pounds; and

(b) In the case of bills issued under the powers of this section the sum of two million pounds; except in either case by the amount payable on bills issued shortly before any other bills fall due in order to pay off those bills.

Provided also that the provisions of sub-section (11) of section 21 of the said Act of 1897 with respect to payments into the Consolidated Loans Fund shall not apply to any bills of the class (a) above referred to.

22. [*Application of ss. 8—11 of the Forgery Act 1861 * to London County Bills. Identical with 61 & 62 Vict. c. cxxii. s. 24.*]

* See Appendix.

As to pay-
ments under
this Act.

23. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [*Part omitted (as to the expenses of obtaining this Act).*]

SCHEDULE. [*Particulars of purposes for which moneys may be raised under this Act and of the sums authorised to be raised for such purposes.*]

CHAPTER CLXIII.

AN ACT TO CONFIRM CERTAIN PROVISIONAL ORDERS OF THE LOCAL GOVERNMENT BOARD RELATING TO NORWICH AND THE COUNTIES OF LONDON AND MIDDLESEX. [28th August 1907.]

[Preamble.]

Orders in
Schedule
confirmed.

1. The Orders as altered and set out in the Schedule hereto shall be and the same are hereby confirmed and all the provisions thereof shall have full validity and force.

Short title.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 13) Act 1907.

SCHEDULE.

COUNTIES OF LONDON AND MIDDLESEX.

Provisional Order made in pursuance of Sections 54 and 59 of the Local Government Act 1888 for altering the Boundary between Counties.

To the Justices of the Peace for the County of London in Quarter Sessions assembled :—

To the London County Council :—

To the Justices of the Peace for the county of Middlesex in Quarter Sessions assembled :—

To the County Council of Middlesex :—

To the Sheriffs of the counties of London and Middlesex :—

To the Mayor Aldermen and Councillors of the Metropolitan Borough of Hackney :—

To the Urban District Council of Tottenham :—

To the Guardians of the Poor of the Edmonton Union and of the Hackney Union :—

To the Overseers of the Poor of the parish of Tottenham :—

To the Tottenham and Wood Green Joint Burial Committee :—

To the Board of Management of the Metropolitan Asylum District :—

To the Metropolitan Water Board :—

And to all others whom it may concern.

[*The preamble to the Provisional Order recites s. 54 of 51 & 52 Vict. c. 41, and that the parish of Hackney forms part of the county of London, comprises among other divisions the North Hackney electoral division of that county, and is included in the North-eastern Coroner's district and the Tower petty sessional division of that county; and in the division assigned to the North London police court within the metropolitan police district; and that the parish of Tottenham forms part of the county of Middlesex, comprises among other divisions the Tottenham High Cross and Tottenham St. Ann's electoral divisions of that county, and is included in the East Middlesex Coroner's district and the Edmonton petty sessional division of that county; and that the said parish of Hackney is included in the Hackney union, and the said parish of Tottenham is included in the Edmonton union; and that the metropolitan borough of Hackney is a metropolitan borough within the meaning of the London Government Act 1899, and that a council has been established and incorporated for the metropolitan borough under the name of the Mayor, Aldermen and Councillors of the Metropolitan Borough of Hackney, and the metropolitan borough is co-extensive with the said parish of Hackney; and that the said metropolitan borough is divided into eight wards for the purpose of the election of councillors, and*

that of the said wards one is named the Stamford Hill ward and that nine councillors are assigned to that ward; and that by virtue of the London Government Act 1899 and the London (Adoptive Acts) Scheme 1900 the Baths and Washhouses Acts 1846—1896 are administered by the council of the said metropolitan borough throughout the parish of Hackney, and that the Public Libraries Acts 1892—1901 are also in force in the said metropolitan borough; and that the parish of Hackney is for the purpose of the election of guardians divided into eight wards which are co-extensive with and bear the same names as the municipal wards; and that the urban district of Tottenham in the county of Middlesex immediately adjoins the said metropolitan borough and is co-extensive with the parish of Tottenham, and is subject to the jurisdiction of the urban district council of Tottenham, and is for the purpose of the election of urban district councillors divided into wards of which two are termed respectively the High Cross ward and the St. Ann's ward; and that the said urban district council have adopted the provisions of—(a) *The Infectious Disease (Prevention) Act 1890*, and (b) *Parts II. and III. of the Public Health Acts (Amendment) Act 1890*; and that the *Public Libraries Acts 1892—1901* are in force in the said urban district; and that the parish of Tottenham forms part of an area within which the Tottenham and Wood Green Joint Burial Committee are the authority for the execution of the *Burial Acts 1852—1906*; and that in pursuance of the *Education Act 1902* the said urban district council are the local education authority for the purposes of Part III. of that Act and the County Council of Middlesex are the local education authority within the said urban district for the other purposes of that Act and that by virtue of the *Education (London) Act 1903* the London County Council are the local education authority within the county of London for all purposes.]

Now therefore We the Local Government Board in pursuance of the powers given to Us by sections 54 and 59 of the Local Government Act 1888 and by any other enactments in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the following provisions shall take effect:—

Art. I. In this Order the following expressions shall unless the contrary intention appears have the meanings hereby respectively assigned to them that is to say,—

- (1) The expression "the commencement of this Order" means the first day of April one thousand nine hundred and eight;
- (2) The expression "the existing borough" means the metropolitan borough of Hackney as it existed immediately prior to the commencement of this Order;
- (3) The expression "the borough" means the existing metropolitan borough of Hackney as altered by this Order;
- (4) The expression "the borough council" means as the context requires the mayor aldermen and councillors of the existing borough or of the borough;
- (5) The expressions "the existing urban district" "the urban district" and "the Urban Council" mean respectively the urban district of Tottenham as it existed immediately prior to the commencement of this Order the urban district of Tottenham as altered by this Order and the Urban District Council of the existing urban district or the urban district as the context requires;
- (6) The expression "the maps" means the three maps each marked "Map showing the alteration of the boundary between the counties of London and Middlesex under the Counties of London and Middlesex (Hackney and Tottenham) Order 1907" and sealed with the official seal of the Local Government Board;
- (7) The expression "the Hackney areas" means the parts of the existing parish of Hackney which are respectively coloured green and blue on the maps;
- (8) The expression "the Tottenham area" means the part of the existing parish of Tottenham which is coloured pink on the maps;
- (9) The expressions "the existing parish of Hackney" and "the existing parish of Tottenham" mean in each case the parish as it existed immediately prior to the commencement of this Order and the expressions "the parish of Hackney" and "the parish of Tottenham" mean in each case the parish as altered by this Order;
- (10) The expressions "the Act of 1888" "the Act of 1891" and "the Act of 1899" mean respectively the Local Government Act 1888 the Local Government Act 1891 and the London Government Act 1899.

Art. II. This Order shall except so far as is otherwise herein expressly provided and so far as there may be anything in the subject-matter or context of order.

inconsistent therewith come into operation on the first day of April one thousand nine hundred and eight :

Provided as follows :—

Date of operation of Order for Poor Law purposes.

(1) For the purpose of the enactments and provisions relating to the relief of the poor and of all such other enactments and provisions as relate to the powers duties and expenses of boards of guardians of the Managers of the Metropolitan Asylum District and for the purpose of assessing on poor law unions the sums to be contributed by them to the Metropolitan Common Poor Fund this Order shall operate on the twenty-sixth day of March one thousand nine hundred and eight ;

(2) For the purposes of all proceedings preliminary or relating to any election of guardians to be held on the ordinary day of election in the year one thousand nine hundred and eight this Order shall come into operation at such earlier date as may be necessary.

Alteration of county boundaries.

Art. III. The boundary between the counties of London and Middlesex shall be altered as follows :—

(a) The Hackney areas shall cease to form part of the administrative county of London and shall form part of the administrative county of Middlesex and

(b) The Tottenham area shall cease to form part of the administrative county of Middlesex and shall form part of the administrative county of London.

Deposit of maps.

Art. IV.—(1) One of the maps shall be deposited in the office of the Local Government Board one shall be deposited by the clerk to the London County Council at the office of that Council and the other shall be deposited by the clerk to the County Council of Middlesex at the office of that Council within twenty-one days after the date of this Order Copies of the map deposited with the clerk to the London County Council certified by him to be true shall be sent within one month after the date of the Act of Parliament confirming this Order to the town clerk of the existing borough to the clerk to the Urban Council to the sheriffs of the counties of London and Middlesex to the Registrar General to the Board of Inland Revenue to the Board of Agriculture and Fisheries and to the Secretary of State for the Home Department.

Copies of map to be evidence.

(2) Copies of or extracts from the map deposited with the clerk to the London County Council certified by him to be true shall be received in all courts of justice and elsewhere as *prima facie* evidence of the contents of the map so far as the same relates to the details in respect of which the boundary between the counties of London and Middlesex is altered by this Order and the said map shall at all reasonable times be open to inspection by any person liable to any rate leviable with the parishes affected by this Order and any such person shall be entitled to a copy of or extract from the map certified by the clerk to the London County Council to be true on payment of a reasonable fee for every such copy or extract. All sums received under this article shall be carried to the credit of the county fund of the county of London.

Transfer of lists of prisoners etc.

Art. V. Lists of prisoners writs process and particulars and all records and documents relating to or to be executed in connexion with any action or proceeding pending or existing at the commencement of this Order and appertaining to the Hackney areas or the Tottenham area shall be delivered turned over or transferred and signed in like manner in all respects so nearly as circumstances admit as is required to be done upon a new sheriff coming into office in like manner as if the sheriff of the county to which the said areas or area are or is hereby added were as respects those areas or that area the new sheriff in succession to the sheriff of the county from which the areas or area are or is transferred.

Petty sessional divisions coroner's districts and metropolitan police court district.

Art. VI.—(1) The Hackney areas shall be included in the Edmonton petty sessional division of the county of Middlesex until the quarter sessions of that county otherwise direct and shall be included in the East Middlesex coroner's district of that county subject to any alteration which may be made in that district.

(2) The Tottenham area shall be included in the Tower petty sessional division of the county of London until the quarter sessions of that county otherwise direct and shall be included in the north-eastern coroner's district of that county subject to any alteration which may be made in that district.

(3) The Hackney areas shall cease to form part of any division assigned to a police court within the metropolitan police district and the Tottenham area shall be included in the division assigned to the North London police court within the metropolitan police district.

(4) Notwithstanding the foregoing provisions of this article every person committing an offence in the Hackney areas or in the Tottenham area before the commencement of this Order shall be tried adjudicated on and dealt with as if this Order had not been made and every proceeding which before the commencement of this Order has been begun in any police court within the metropolitan police district or by or before any justice or justices or by or before any coroner in relation to any matter arising in or concerning any part of the Hackney areas or of the Tottenham area as the case may be may be carried on continued or completed in like manner and with the like incidents and consequences as may be as if this Order had not been made.

Art. VII. Subject to the provisions of section 54 of the Act of 1888 the Electoral part of the Hackney areas which is coloured green on the maps shall be divisions, included in the Tottenham High Cross electoral division and the part of the Hackney areas which is coloured blue on the maps shall be included in the Tottenham St. Ann's electoral division of the county of Middlesex and the Tottenham area shall be included in the North Hackney electoral division of the county of London.

Art. VIII.—(1) The Hackney areas shall cease to form part of the existing Alteration borough and shall be added to the existing urban district and for the of borough purposes of the election of urban district councillors the part coloured green and urban shall be included in the High Cross ward and the part coloured blue shall district. be included in the St. Ann's ward of the urban district and the persons who immediately prior to the commencement of this Order are the urban district councillors representing those wards respectively shall be deemed to represent those wards as hereby altered as if they had been originally elected to represent the altered wards.

(2) The Tottenham area shall cease to form part of the existing urban district and shall be added to the existing borough and for the purposes of the election of borough councillors shall be included in the Stamford Hill ward of the borough and the persons who immediately prior to the commencement of this Order are the borough councillors representing that ward shall be deemed to represent that ward as hereby altered as if they had been originally elected to represent the altered ward.

Art. IX.—(1) For the purposes of the parliamentary register of electors of Parliament the local government register of electors of the register of parochial electors tary and and of jury lists in force at the commencement of this Order the counties of county London and Middlesex and the existing parish of Hackney and the existing electors' parish of Tottenham shall be deemed to continue unaltered till the new registers lists etc. and lists come into operation :

Provided that for the purposes of any election under the Act of 1888 the Act of 1894 or the Act of 1899 to be held for any area affected by this Order the clerk to the London County Council or the clerk to the County Council of Middlesex as the case may require shall if and when necessary cause the register of county electors and the registers of parochial electors to be altered in such manner as may be requisite to give effect to this Order.

(2) Where any difficulty in giving effect to the provisions of this Order can be obviated or removed by any alteration in or re-arrangement of or any other action affecting the lists or register of county electors or the lists or registers of parochial electors such alteration re-arrangement or action so far as the same may be necessary for giving effect to the said provisions shall be made or taken by the clerk of the County Council of London or Middlesex as the case may require and the overseers of the poor shall render such assistance as may be requisite for the purpose of the alteration re-arrangement or action by the clerk of the County Council and that alteration re-arrangement or action shall be deemed to be authorised by the provisions in force with respect to the said lists and registers.

(3) Where in the opinion of the Local Government Board the circumstances so require the Local Government Board may make such order as appears to them to be necessary to give effect to the provisions of this Order or to determine any question arising out of these provisions in relation to the said lists or registers or in relation to any qualification affected by the said provisions and may vary so far as is requisite the provisions in force with regard to the said lists and registers.

Art. X.—(1) Subject to the provisions of this Order all Acts whether general Application or local which do not apply to the existing parish of Tottenham shall be transferred repealed so far as they apply to the Hackney areas and all Acts whether general Areas of Law or local which at the commencement of this Order apply to and are in force in in force in

parishes to which transferred.

the existing parish of Tottenham shall apply to and be in force in the Hackney areas in like manner as to and in the rest of the parish of Tottenham.

(2) Subject to the provisions of this Order and of the London (Miscellaneous) Scheme all Acts whether general or local which do not apply to the existing parish of Hackney shall be repealed so far as they apply to the Tottenham area and all Acts whether general or local which apply to and are in force in the existing parish of Hackney shall apply to and be in force in the Tottenham area in like manner as to and in the rest of the parish of Hackney.

Byelaws etc.

Art. XI. Subject to the provisions of this Order—

- (1) All byelaws orders and regulations and every list of tolls and table of fees and payments and scale of charges made by the London County Council or the Metropolitan Board of Works which at the commencement of this Order are in force in the existing parish of Hackney shall from and after that date apply to and be in force within the Tottenham area and all byelaws orders and regulations and every list of tolls and table of fees and payments and scale of charges made by the County Council of Middlesex which on the said date are in force in the parish of Tottenham shall from and after that date apply to and be in force within the Hackney areas and any such byelaws orders regulations list of tolls and table of fees and payments and scale of charges in force immediately before the said date in the Hackney areas or the Tottenham area shall on that date cease to be in force :
- (2) All byelaws and regulations and every list of tolls and table of fees and payments and scale of charges made by the borough council or any authority whose powers and duties have been transferred to the borough council or by the urban council or their predecessors which at the commencement of this Order are in force in the existing borough or in the existing urban district as the case may be shall thenceforth apply to the borough or to the urban district as hereby altered as the case may be until or except in so far as any such byelaws or regulations or list of tolls or table of fees and payments or scale of charges may be altered or repealed and all byelaws and regulations and every list of tolls and table of fees and payments and scale of charges in force immediately before the commencement of this Order in the Hackney areas or the Tottenham area shall on that date cease to be in force :
- (3) As regards any work to which the provisions of the London Building Acts 1894 and 1898 and the byelaws regulations and tables of fees of the London County Council made thereunder apply which shall have been commenced before the commencement of this Order and as regards any work to which the said provisions byelaws regulations and tables of fees apply the construction or erection of which shall have been duly sanctioned or approved before the commencement of this Order in pursuance of those provisions byelaws or regulations or the construction or erection of which in pursuance of those provisions byelaws and regulations is to be deemed to have been sanctioned or approved before the commencement of this Order the said provisions byelaws regulations and tables of fees shall continue to apply as if the Hackney areas continued to form part of the county of London and as if the urban council were a local authority within the meaning of those provisions byelaws and regulations :
- (4) As regards any work commenced before the commencement of this Order or any work for which plans shall either have been approved by the Urban Council before that date or shall have been sent to the surveyor or clerk to the Urban Council one month at least before that date and shall not have been disapproved by that Council the byelaws in force immediately before the said date shall continue to apply until the completion of the work in like manner and with the like effect as if the said byelaws had been made by the Borough Council and as if the Borough Council and the borough were referred to therein instead of the Urban Council and the existing urban district respectively :

Provided that any proceedings which might have been taken by the Urban Council against any person for any offence committed before the said date against any byelaws made by the Urban Council or their predecessors and in force on that date in the Tottenham area may be taken by the Borough Council as if those byelaws had remained in force and the Borough Council had been substituted therein for the Urban Council :

Education byelaws.

- (5) For the purposes of and subject to the provisions of the Education Acts 1870 to 1903 any byelaws in force in the existing borough or the

existing urban district at the commencement of this Order shall thenceforth apply to the borough or to the urban district as the case may be until revoked or altered and any byelaws previously in force in the Hackney areas and the Tottenham area shall cease to be so in force.

Art. XII.—(1) The provisions of section 120 of the Act of 1888 shall apply to any officer or paid by the County Council of London or Middlesex who by virtue of this Order or of anything done in pursuance or in consequence thereof suffers any such direct pecuniary loss as is in that section mentioned.

(2) Every other officer and servant who by virtue of this Order or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary and for whose compensation no other provision is made by any enactment for the time being in force and applicable to his case shall be entitled to have compensation paid to him for that pecuniary loss and in determining the compensation regard shall be had to the conditions and other circumstances required by subsection (1) of section 120 of the Act of 1888 to be had in regard in cases of compensation under that section and the compensation shall not exceed the limit therein mentioned. A joint committee of the County Councils of London and Middlesex shall determine to what local authority application shall be made for compensation and out of what fund the compensation if any shall be paid by that authority and the provisions of subsections (2) to (7) of the said section 120 shall apply with the substitution of the said authority for the County Council and with such other alterations if any as may be required.

(3) For the purposes of subdivisions (1) and (2) of this article any such officer or servant whose services are dispensed with or whose salary is reduced within five years from the commencement of this Order because his services are not required or his duties are diminished in consequence thereof and not on the ground of misconduct shall be deemed to have suffered a direct pecuniary loss in consequence of this Order.

Art. XIII.—The town clerk and all other officers and servants of the Borough Council and the clerk and all other officers and servants of the Urban Council who hold office at the commencement of this Order shall continue to be the town clerk and officers and servants of the Borough Council or the clerk and officers and servants of the Urban Council as the case may be and shall hold their offices by the same tenure as at that date.

Art. XIV.—(1) If at the commencement of this Order any action or proceeding or any cause of action or proceeding is pending or existing by or against the London County Council or the Borough Council in relation exclusively to any part of the Hackney areas or by or against the County Council of Middlesex or the Urban Council in relation exclusively to any part of the Tottenham area the same shall not be in anywise prejudicially affected by reason of the making of this Order but may be continued prosecuted and enforced by or against the County Council of Middlesex or the Urban Council or by or against the London County Council or the Borough Council as the case may be.

(2) Anything duly done or suffered and all contracts deeds bonds agreements and other instruments (subsisting at the commencement of this Order entered into or made by the London County Council or the Borough Council in relation exclusively to any part of the Hackney areas or by the County Council of Middlesex or the Urban Council in relation exclusively to any part of the Tottenham area shall be of as full force and effect against or in favour of the County Council of Middlesex or the Urban Council or of the London County Council or the Borough Council as the case may be and may be continued and enforced as fully and effectually as if in the one case instead of the London County Council or the Borough Council the County Council of Middlesex or the Urban Council and in the other case instead of the County Council of Middlesex or the Urban Council the London County Council or the Borough Council had done or suffered the same or been a party thereto.

Art. XV.—(1) Subject to the provisions of this Order all property vested in the Borough Council at the commencement of this Order for the benefit of the existing borough shall by virtue of this Order be held by the Borough Council for the benefit of the borough and the Borough Council shall hold enjoy and exercise for the benefit of the borough all the powers which at the date aforesaid are exercisable by or vested in the Borough Council for the benefit of the existing borough and all liabilities which at the commencement of this Order attach to the Borough Council in respect of the existing borough shall from and after that date attach to them in respect of the borough.

(2) Subdivision (1) of this Article shall apply with the necessary adaptations to the Urban Council the existing urban district and the urban district and

any property powers and liabilities vested in or attaching to the Urban Council at the commencement of this Order.

Property etc.
of Borough
Council
and Urban
Council in
relation to
transferred
areas.

Art. XVI. Subject to the provisions of this Order—

(1) All property and liabilities which immediately before the commencement of this Order are vested in or attach to the Borough Council in relation exclusively to the Hackney areas shall by virtue of this Order be transferred to vested in and attach to the Urban Council and any property and liabilities which immediately before the commencement of this Order are vested in or attach to the Urban Council in relation exclusively to the Tottenham area shall by virtue of this Order be transferred to vested in and attach to the Borough Council and any property and liabilities vested in or attached to the Borough Council or the Urban Council in relation to any part of the Hackney areas or to the Tottenham area as the case may be conjointly with the remainder of their respective districts or of part thereof shall be a matter for adjustment under section 62 of the Act of 1888:

Cesser of
jurisdiction
of Borough
Council
and Urban
Council.

(2) The Borough Council and the Urban Council shall respectively at the commencement of this Order cease to exercise any powers or have any duties within any area separated by this Order from their district:

Arrears of
rates etc.

(3) All arrears of rates made by the Borough Council or the Urban Council and all other payments which at the commencement of this Order are due or owing to either of those Councils in respect of any hereditaments in the Hackney areas or the Tottenham area as the case may be may be collected and recovered as if this Order had not been made:

Adaptation
of provi-
sions as to
adjustment.

(4) For the purposes of the application of section 62 of the Act of 1888 to any adjustment which may become necessary in consequence of this Order that section shall have effect as if in subsections (5) (6) and (7) thereof the expression "Council" included any authority affected by this Order or by anything done in pursuance of this Order and as if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in the said subsection (6) that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any other authority and subject to the requirement that all money so borrowed shall be repaid within such period as the Local Government Board may sanction:

Provided that where the authority affected by this Order or by anything done in pursuance of this Order are the board of guardians of a poor law union section 62 of the Act of 1888 shall apply with respect to any necessary adjustment with the modifications specified in the First Schedule to the Poor Law (Dissolution of School Districts and Adjustments) Act 1903.

Powers
conferred
on Urban
Council
under sec-
tion 33 of
Act of 1894.

Art. XVII.—Subject to the provisions of any Order which the Local Government Board may hereafter make any Order heretofore made by the Local Government Board and conferring upon the Urban Council any of the matters mentioned in section 33 of the Act of 1894 and in such Order shall be deemed to have effect as if any reference in the said Order to the existing parish of Tottenham extended and applied to the parish of Tottenham.

Alteration of
metropolitan
asylum
district.

Art. XVIII.—The metropolitan asylum district shall be altered by the exclusion therefrom of the Hackney areas and by the inclusion therein of the Tottenham area.

Mortgage
debts of
authorities
affected by
the Order.

Art. XIX.—So much of any sums borrowed by any authority whose district is altered by this Order as will at the commencement of this Order be owing and charged upon any fund or rate of the existing district of the authority shall by virtue of this Order be charged upon the same fund or rate of the district as altered by this Order and all such sums shall together with the interest to accrue due thereon be repaid by that authority within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

Alteration of
burial area.

Art. XX.—(1) The Hackney areas shall be included in and form part of the area within which the powers and duties of the authority under the Burial Acts 1852 to 1906 are exercisable by the Tottenham and Wood Green Joint Burial Committee and the Tottenham area shall cease to form part of that area.

Saving rights
of burial.

(2) Nothing in this Order shall prejudice or affect any such right of burial or of constructing a place of burial or of erecting and placing any monument grave-stone tablet or monumental inscription as a parishioner or an inhabitant in the

existing borough or in the existing urban district has acquired before the commencement of this Order in relation to any existing burial ground.

Art. XXI.—(1) The Hackney areas shall cease to form part of the parish of Hackney and shall be amalgamated with the parish of Tottenham.

Alteration in areas of parishes.

(2) The Tottenham area shall cease to form part of the parish of Tottenham and shall be amalgamated with the parish of Hackney and for the purpose of the election of guardians shall be included in the Stamford Hill ward of the parish of Hackney.

(3) The persons who immediately before the commencement of this Order represent the existing parish of Tottenham on the Board of Guardians of the Edmonton Union and those who then represent the Stamford Hill ward of the existing parish of Hackney on the Board of Guardians of the Hackney Union shall be deemed to represent that parish or that ward as altered by this Order as the case may be as if they had originally been elected to represent the parish of Tottenham or the altered ward as the case may be.

Art. XXII. Nothing in this Order shall affect the ecclesiastical divisions of any parish or shall prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment which now is applicable for the benefit of either the existing parish of Hackney or the existing parish of Tottenham.

Saving for ecclesiastical divisions and charities.

Art. XXIII. Subject to any future revision the basis or standard of the county rate for the county of Middlesex shall be deemed to be altered as follows:—

(1) By the addition to the basis or standard for the county of Middlesex in respect of the existing parish of Tottenham of the sum which represents the assessable value of the property in the Hackney areas and by the deduction from that basis or standard in respect of the existing parish of Tottenham of such a sum as will represent the annual value of the property in the Tottenham area:

(2) For the purposes of this article the sum which will represent the annual value of the property in the Tottenham area shall be the amount which in relation to the amount appearing in the basis or standard of the county rate as the total annual value of the existing parish of Tottenham is in the same proportion as the assessable value of the property in the area bears to the total assessable value of property in the existing parish of Tottenham:

(3) For the purposes of this article assessable value means one-half of the rateable value according to the valuation list for the time in force of the agricultural land together with the rateable value according to that list of the buildings and other hereditaments not being agricultural land in the existing parish or the Hackney areas or the Tottenham area as the case may require.

Art. XXIV.—(1) The valuation list of the existing parish of Hackney shall be altered by the omission of all reference to the rateable hereditaments in the Hackney areas and the valuation list of the existing parish of Tottenham shall be altered by the omission of all reference to the rateable hereditaments in the Tottenham area.

Valuation lists.

(2) The portion of the valuation list of the existing parish of Tottenham which will at the commencement of this Order relate to hereditaments in the Tottenham area shall for the purposes of the Valuation (Metropolis) Act 1869 32 & 33 Vict. and the Acts amending the same be deemed to form a supplemental valuation list for the parish of Hackney as if it were a supplemental valuation list duly made in pursuance of those Acts and coming into force on the sixth day of April one thousand nine hundred and eight.

(3) The portion of the valuation list of the existing parish of Hackney which will at the commencement of this Order relate to hereditaments in the Hackney areas shall until a new valuation list for the parish of Tottenham is in force form part of the valuation list of the parish of Tottenham.

Art. XXV. For any purposes connected with the settlement and removal of the poor in relation to cases affected by this Order the following provisions shall have effect that is to say:—

Settlement and removal of the poor.

(1) Every person who at the commencement of this Order has acquired or is in the course of acquiring a settlement in the existing parish of Hackney or in the existing parish of Tottenham by reason of any residence completed or in the course of completion of any act or thing done or in the course of being done of any status condition right or privilege acquired or created or in the course of acquisition or creation

(i) in those parts of the existing parish of Hackney which by virtue of this Order will form part of the parish of Tottenham: or

(ii) in the remainder of the existing parish of Hackney ; or
 (iii) in that part of the existing parish of Tottenham which by virtue of this Order will form part of the parish of Hackney ; or
 (iv) in the remainder of the existing parish of Tottenham shall be deemed to have acquired or to be in the course of acquiring in the first case a settlement in the parish of Tottenham in the second case a settlement in the parish of Hackney in the third case a settlement in the parish of Hackney in the fourth case a settlement in the parish of Tottenham and in each case as if the specified part of the existing parish were and had always been a part of the parish in which by virtue of this article the person shall be deemed to have acquired or to be in the course of acquiring a settlement :

(2) Every person who at the commencement of this Order has acquired or is in the course of acquiring a status of irremovability from the Hackney Union by reason of residence—

(i) in those parts of the existing parish of Hackney which by virtue of this Order will form part of the parish of Tottenham ; or

(ii) in the remainder of the existing parish of Hackney or a status of irremovability from the Edmonton Union by reason of residence—

(iii) in that part of the existing parish of Tottenham which by virtue of this Order will form part of the parish of Hackney—

(iv) in the remainder of the parish of Tottenham shall be deemed to have acquired or to be in course of acquiring in the first case a status of irremovability from the Edmonton Union in the second case a status of irremovability from the Hackney Union in the third case a status of irremovability from the Hackney Union and in the fourth case a status of irremovability from the Edmonton Union.

Saving for
existing con-
tribution
orders of
Guardians.

Art. XXVI. Notwithstanding the alterations in the areas of parishes affected by this Order all contribution orders made by the Guardians of the Poor of the Hackney Union and the Edmonton Union before the commencement of this Order shall be as valid in law as if this Order had not been made.

Preparation
of future
contribution
orders.

Art. XXVII. For the purpose of apportioning the estimated expenditure of the Guardians of the Poor of the Hackney Union and the Edmonton Union in respect of the half-year ending on the thirtieth day of September one thousand nine hundred and eight and of preparing contribution orders prior to the commencement of this Order this Order shall so far as may be necessary be deemed to have taken effect prior to the last-mentioned date.

Arrears of
rates.

Art. XXVIII. All arrears of rates made by the Overseers of the Poor of the parish of Tottenham and due or owing at the commencement of this Order in respect of hereditaments in the Tottenham area shall be collected and recovered as if this Order had not been made.

Short title.

Art. XXIX. This Order may be cited as the Counties of London and Middlesex (Hackney and Tottenham) Order 1907.

Given under the seal of office of the Local Government Board this fifteenth day of May one thousand nine hundred and seven.

(L.S.)

JOHN BURNS President.
S. B. PROVIS Secretary.

CHAPTER CLXIV.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO CONSTRUCT AND WORK NEW TRAMWAYS AND TO ALTER AND RECONSTRUCT EXISTING TRAMWAYS AND MAKE STREET IMPROVEMENTS AND OTHER WORKS IN THE COUNTY OF LONDON ; AND FOR OTHER PURPOSES. [21st August 1907.]

[Preamble.]

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the London County Council (Tramways and Improvements) Act 1907.

Act divided
into parts.

2. This Act is divided into parts as follows (namely) :—

Part I.—Preliminary.

Part II.—Tramways.

Part III.—Street Works.

Part IV.—Purchase of Lands.

Part V.—Extension of Time.

Part VI.—Miscellaneous and Financial.

3. [*Incorporation of Acts. Identical with 4 Edw. 7, c. cccxxxi. s. 3, substituting the words "of the Lands Clauses Consolidation Act 1845" for the words "of that Act."*]

4. In this Act unless the subject or context otherwise require—

"The Council" means the London County Council;

Inter-
pretation.

"The new tramways" means the tramways by this Act authorised and any part thereof;

"The tramways" means the new tramways and the tramways which may be reconstructed under this Act;

"The improvements" means the street improvements by this Act authorised to be executed by the Council;

"The works" means the tramways and the improvements;

"Street" has the meaning assigned to that term in the Metropolitan Management Acts 1855 to 1893;

"The Lambeth Council" means the Council of the Metropolitan Borough of Lambeth;

Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings:

Provided that for the purposes of this Act the expressions "the promoters of the undertaking" and "the company" in the Lands Clauses Acts shall be construed to mean the Council.

PART II.—TRAMWAYS.

5. Subject to the provisions of this Act the Council may make form lay down and maintain the new tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections with all such rails plates sleepers junctions turntables turnovers crossings passing-places works and conveniences connected therewith as may be necessary or proper therefor.

Power to
make new
tramways.

The new tramways hereinbefore referred to and authorised by this Act are those shown on the deposited plans under the numbers hereinafter stated in connection therewith respectively and will be situate in the county of London:—

Tramway No. 10 (double line 2·2 chains or thereabouts in length) wholly in the parish of Lambeth commencing in South Lambeth Road by a junction with the existing tramway in that road (as proposed to be reconstructed under the powers of this Act) near the junction of South Lambeth Road with Clapham Road and terminating in Clapham Road by a junction with the existing tramway therein near the said junction of South Lambeth Road with Clapham Road;

Tramway No. 11 (double line 2·1 chains or thereabouts in length) wholly in the said parish of Lambeth commencing in Stockwell Road by a junction with the existing tramway in that road (as proposed to be reconstructed under the powers of this Act) near the junction of Stockwell Road with Brixton Road and terminating in Brixton Road by a junction with the existing tramway therein near the said junction of Brixton Road with Stockwell Road;

Tramway No. 12 (double line 1 furlong 4·9 chains or thereabouts in length) wholly in the said parish of Lambeth commencing in Coldharbour Lane by a junction with the existing tramway in that lane (as proposed to be reconstructed under the powers of this Act) near the junction of Herne Hill Road with Coldharbour Lane and terminating in Hinton Road by a junction with the existing tramway in that road (as proposed to be reconstructed under the powers of this Act) near the junction of Hinton Road with Wanless Road ;

Tramway No. 13 (single line 3 furlongs 6·7 chains or thereabouts in length) wholly in the said parish of Lambeth commencing in Milkwood Road by a junction with the existing tramway in that road (as proposed to be reconstructed under the powers of this Act) near the junction of Poplar Walk Road with Milkwood Road passing thence along Poplar Walk Road and Lowden Road into and terminating in Milkwood Road aforesaid by a junction with the said existing tramway (as proposed to be reconstructed) near the junction of Milkwood Road with Lowden Road.

Reconstruction of existing tramways.

6. Subject to the provisions of this Act the Council may reconstruct (which expression where used in this Act includes the substitution of a double line of tramway for an existing single line and the laying of the tramway in a different position in the street from that occupied by the existing tramway) in the lines and according to the levels shown on the deposited plans and sections the tramways hereinafter described (that is to say) :—

Vauxhall and Loughborough Line.

The tramway in South Lambeth Road Stockwell Road Gresham Road and Coldharbour Lane in the parish of Lambeth from Vauxhall Cross to the commencement hereinbefore described of Tramway No. 12 in Coldharbour Lane ;

The said tramway when reconstructed will be 2 miles 2 furlongs 4·9 chains or thereabouts in length of which 2 miles 1 furlong 0·35 chain or thereabouts will be double line and 1 furlong 4·55 chains or thereabouts will be single line.

Loughborough and Norwood Line.

The tramway in Hinton Road Milkwood Road Half Moon Lane and Norwood Road from the termination hereinbefore described of Tramway No. 12 in Hinton Road to the termination in Norwood Road of the existing tramway opposite Park Road ;

The said tramway when reconstructed will be situate in the parishes of Lambeth and Camberwell or one of them and will be 2 miles 1 furlong 9·4 chains or thereabouts in length of which 1 mile 6 furlongs 4·6 chains or thereabouts will be double line and 3 furlongs 4·8 chains or thereabouts will be single line.

Loughborough and Camberwell Line.

The tramway in Coldharbour Lane from the commencement hereinbefore described of Tramway No. 12 to a point in Coldharbour Lane near the junction therewith of Denmark Hill ;

The said tramway when reconstructed will be situate in the parishes of Lambeth and Camberwell or one of them and will be 4 furlongs 5·8 chains or thereabouts in length wholly double line.

7. [*As to motive power. Identical with 6 Edw. 7, c. clxxxii. s. 6.*]

8.—(1) For the purpose of working by electrical power new Tramways Nos. 12 and 13 by this Act authorised and any existing tramways (other than those situate in South Lambeth Road and Stockwell Road and forming part of the Vauxhall and Loughborough line) which may be reconstructed under the powers of this Act the Council may adopt such a system of overhead electrical traction as the Board of Trade may sanction.

As to system of traction to be adopted.

(2) Except as aforesaid nothing in this Act shall authorise the Council to place in any metropolitan borough any posts or wires in on or over any street for working the tramways by electrical power unless the council of such metropolitan borough shall by resolution have consented to the adoption therein of a system of traction conducted by means of posts and wires placed overhead.

Such consent may be subject to any limitations or conditions which may be expressed in the resolution and may apply to any particular streets or roads or fix any limited period defined by such resolution.

A copy of such resolution under the seal of the council of such metropolitan borough shall be delivered to the Council and shall be evidence of the due passing of such resolution. [*See also 63 & 64 Vict. c. cccxxxviii. s. 23.*]

9. [*As to gauge of tramways. Identical with 6 Edw. 7, c. clxxxii. s. 7.*]

10. Where in any part of any street or road (not being a part of a street or road described in the Second Schedule to this Act) which is by this Act authorised to be widened and in which the Council are by this Act authorised to make a new tramway or to reconstruct an existing tramway a less space than nine feet six inches would for a distance of thirty feet or upwards intervene between the outside of the footpath and the nearest rail of the tramway the Council shall not work or use such tramway in such part of such street or road unless and until such part has been widened to such extent as may be necessary to leave a space of not less than nine feet six inches between the outside of the footpath and the nearest rail of the tramway on the side of the street or road on which such widening is to be made or unless it appears from the deposited plans that such tramway is intended to be so made or reconstructed in such part of the street or road that a less space than nine feet six inches will intervene between the outside of the footpath and the nearest rail of the tramway.

Certain parts of tramways not to be used until streets widened.

11. Where the council of any metropolitan borough or any company have powers under a special Act of Parliament or a Provisional Order confirmed by Act of Parliament for the purpose of laying electric lines to break up a tramway which is to be reconstructed under the powers of this Act the said powers of such council or company shall extend and apply to the reconstructed tramway in the same manner as to the existing tramway.

Certain powers of breaking up tramways extended to widened and reconstructed tramways.

12. [*Application of s. 32 of the Tramways Act 1870.* Identical with 4 Edw. 7, c. cccxxxi. s. 21.*]

* See Appendix.

Alterations of
bridges etc.

13.—(1) Where it is necessary for the Council in constructing any new tramway or reconstructing any existing tramway under the powers of this Act in any street or road to alter any bridge or structure carrying such street or road over any railway or over any canal or dock entrance (hereinafter included in the expression "bridge") the Council shall execute the work in such a manner as to alter or interfere as little as possible with the structure of the bridge or with the approaches thereto so far as they belong to the owners of the bridge and shall so maintain and use the said tramway as to interfere as little as possible with the structure of any such bridge or approaches.

(2) Any interference with or alteration of the structure of any such bridge shall only be executed by the Council according to plans and sections to be previously submitted to and reasonably approved by the engineer of the owners of the bridge and all works affecting any such bridge shall be carried out under the superintendence and to the reasonable satisfaction of the said engineer.

Provided that unless the engineer of the owners by notice in writing to the Council within twenty-one days after the submission of such plans and sections give notice in writing to the Council objecting thereto or making any requirement with respect thereto the said plans and sections shall be deemed to have been approved on behalf of the owners and the work may be proceeded with accordingly.

(3) In the event of any injury being caused to any such bridge or approaches by any works for constructing reconstructing or repairing such tramway or any wire cable or apparatus the owners may at the expense of the Council restore such bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Council shall indemnify the owners against all the expenses to which they may be put in repairing so much of the bridge or the road over such bridge and approaches as the owners are liable to maintain and repair and the owners may recover from the Council the amount of such expenses.

(4) In case it shall become necessary in consequence of the construction or reconstruction of such tramway or the use thereof when worked by electrical power to strengthen the structure of any such bridge the owners may after giving to the Council seven clear days' notice thereof execute such works as may be necessary to strengthen such bridge and the costs and expenses of and incidental to such strengthening shall be repaid by the Council to the owners.

(5) In the case of such tramway being constructed or reconstructed on a bridge over a railway if it become advisable having regard to the relative positions of the works of the Council and the works of the owners of the railway that the electric telegraphic telephonic or signal wires and apparatus connected with the railway should be placed in cable or otherwise altered the owners of the railway may execute any works reasonably necessary for such cabling or alteration and the expense of executing such works shall be borne by the Council.

(6) If any difference shall arise under this section between the Council and the owners as to anything to be done under the provisions of this section or the reasonableness of any requirements or of any charges under this section the matter in difference shall

unless otherwise agreed be determined by a referee in accordance with the provisions of section 33 of the Tramways Act 1870.

(7) For the purpose of this section the expression "owners" shall include the person or company liable to maintain the bridge over which such tramway is constructed or reconstructed.

14.—(1) The Council may subject to the provisions of this Act with the consent of the Board of Trade make maintain alter and remove such cross-overs passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage-houses or works of the Council. Power to make additional cross-overs and to double tramway lines.

(2) Notwithstanding anything shown on the deposited plans the Council may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and may with the like consent in constructing or reconstructing or at any time thereafter alter the position in the road of any of the tramways or any part thereof.

(3) Provided that if in the construction of any works under this section any rail is intended to be laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Council shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Council within three weeks after receiving the notice from the Council express their objection thereto. [*See also s. 39; 63 & 64 Vict. c. cclxx. s. 18; 1 Edw. 7, c. cclxxi. s. 12; and 2 Edw. 7, c. ccxix. s. 43 (3).*]

15. The new tramways shall for the purpose of fixing and defining the tolls and charges to be levied and made in respect thereof be deemed to form part of the tramway undertaking of the Council. Tolls etc.

16. For the protection of the London and South Western Railway Company the London Brighton and South Coast Railway Company the London Chatham and Dover Railway Company and the South Eastern and Chatham Railway Companies Managing Committee (which Companies and Committee are in this section severally referred to as "the Company") the following provisions shall unless otherwise agreed between the Council and the Company apply and have effect (that is to say):— For the protection of certain railway companies.

(1) In this section the word "apparatus" includes posts brackets electric wires conductors apparatus and any similar appliances to be used as and for the purposes of a motive power for the carriages running on the tramways and includes also any subways tunnels tubes openings excavations channels and pipes for the purposes of such apparatus;

(2) Notwithstanding anything contained in this Act or shown on the deposited plans the Council shall not enter upon take or use any of the lands or property of the said London and South

Western Railway Company or of the said London Brighton and South Coast Railway Company;

(3) All works by this Act authorised where the same shall be made under or in any way affect any bridge or other work belonging to the Company shall be executed so as to interfere as little as possible with the structure of any such bridge or other work and according to plans sections and specifications to be previously submitted to and approved by the Company or in case of difference between the Company and the Council to be determined by a referee to be appointed as hereinafter provided. All such works shall be executed and thereafter maintained according to the plans sections and specifications so approved or determined and under the superintendence and to the satisfaction of the Company. The Council shall so construct reconstruct maintain and use the tramways works and apparatus as not to injuriously affect any such bridge or other work and in the event of any injury being occasioned to such bridge or work by the construction reconstruction maintenance user or removal of the tramways works and apparatus under the same the Company may make good the injury and may recover from the Council the reasonable expenses of so doing;

(4) Notwithstanding anything in this Act or any Act incorporated therewith the Council shall not without the previous consent in writing of the Company (which consent shall not be unreasonably withheld) deviate in the construction or reconstruction of the tramways where the same will pass under any bridge or work belonging to the Company or where the same will pass in front of the entrances to any passenger or goods stations of the Company from the lines and levels shown on the deposited plans and sections;

(5) The Council shall on demand pay to the Company the reasonable expense of lighting and watching the works of the Company during the execution or repair by the Council of any work or apparatus affecting any bridge or other work belonging to the Company for the purpose of preventing interference obstruction danger and accident from any of the operations or from the acts or defaults of the Council or their contractors or any person in the employ of either of them or otherwise;

(6) The Council shall not in any manner in the execution maintenance user or repair of any of their works or apparatus obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to the Company or any traffic thereon;

(7) The Council shall be responsible for and make good to the Company all losses damages and expenses which may be occasioned to the Company or any of their works or property or to the traffic on their railways or to any company or person using the same by or by reason of the execution or failure of any of the intended works or apparatus or by or by reason of any act default or omission of the Council or of any person in their employ or of any contractors for the intended works or any part thereof and the Council shall effectually indemnify and hold harmless the Company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission;

(8) If the Company hereafter require to widen lengthen strengthen reconstruct alter or repair any bridge belonging to

the Company under which the tramway is laid or to lift or support any such bridge the Council shall afford to the Company all reasonable and proper facilities for the purpose and if the Company find it necessary for such purpose that the working or user of any part of the tramway under such bridge be wholly or in part stopped up or delayed or that such part of the tramway be wholly or in part taken up or removed and if the Company accordingly give to the Council fourteen days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or removal then the working or user of such part of the tramway shall be stopped or delayed or such part of the tramway shall be taken up or removed as stated in such notice at the reasonable expense of the Council and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be necessary for effecting such purpose as aforesaid and such part of the tramway shall be restored with all possible despatch and in such case the Company shall not be liable to pay compensation in respect of such stoppage delay taking up or removal as aforesaid. Provided that if the tramway is constructed as a double line the Company shall not be at liberty to require more than one line of rails to be stopped at a time or if the tramway is constructed as a single line the Company shall give the Council all reasonable facilities for the construction and user of a temporary line to be laid under such bridge for maintaining the tramway service;

(9) The Council shall from time to time pay to the Company any additional expense which the Company may incur in effecting such widening lengthening strengthening reconstructing altering repairing lifting or supporting as is mentioned in the last preceding sub-section or in the maintenance of any bridge or other work of the Company by reason of the existence or user of the tramway or any of the works or apparatus connected therewith :

(10) No apparatus shall be affixed to any bridge or other property of the Company without their consent in writing which consent shall not be unreasonably withheld :

(11) In the event of the tramways being worked by electricity on the overhead wire system the Council shall (if and when the Company shall require to widen reconstruct alter repair or paint any bridge under which any electric wire of the Council has been placed) in order to ensure the safety of the workmen employed in such widening reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be reasonably required by the engineer of the Company unless the Council shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer :

(12) If having regard to the proposed position of any works of the Council by this Act authorised when considered in relation to the position of the works of the Company at any point where the tramway will be constructed or reconstructed under the railway or other works of the company it becomes advisable that the electric telegraphic telephonic or signal wires or apparatus of the Company shall be cabled or otherwise altered or return wires added the Company may execute any works reasonably necessary

for such alteration and the reasonable expense of executing such works shall be borne by the Council ;

(13) Where any tramway will pass in front of the entrances to any passenger or goods stations of the Company no carriage or car used on the tramways shall without the consent of the Company be stopped or permitted to be stopped for the distance thereon extending in front of the said entrances to such stations and for a length of ten yards at each end of such distance except only for so long as shall be reasonably necessary for the purposes of discharging and taking up passengers ;

(14) If any difference arises under this section between the Council and the Company the same shall unless otherwise agreed be determined by a referee in accordance with the provisions of section 33 of the Tramways Act 1870.*

Power to
Postmaster-
General in
relation to
posts etc.

17.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Council in connection with the tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions :—

(a) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways ;

(b) The Postmaster-General shall give to the Council not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain. Any difference between the Council and the Postmaster-General as to any matter referred to in such notice shall be determined as hereinafter provided ;

(c) Unless otherwise agreed between the Postmaster-General and the Council the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Council or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section ;

(d) Except as otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires. In case of difference the conditions of attachment shall be determined as hereinafter provided ;

* See Appendix.

(e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road ;

(f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in good condition and in a proper state of repair ;

(g) The Postmaster-General shall make good to the Council and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Council their officers or servants ;

(h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Council and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Council or failing agreement determined as hereinafter provided ;

(i) The Council shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Council of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Council their officers or servants ;

(j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Council the value of the same. Provided that if the Council or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Council from using the posts standards or brackets for the support of any electric wires and apparatus used in connection with the tramways.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

18. [*Incorporation of certain provisions of the London County Council Tramways (Electrical Power) Act 1900. Identical with 6 Edw. 7, c. clxxxii. s. 23.*]

PART III.—STREET WORKS.

19.—(1) [*Power to the Council, subject to the provisions of this Act and in the lines or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections, to execute widenings at South Lambeth Road, Clapham Road, Stockwell Road, Brixton Road, Coldharbour Lane, Herne Hill Road, Wanless Road, Poplar Walk Road, Lowden Road, Milkwood Road, and Norwood Road.*]

(2) [*Power to the Council at the places mentioned or described in the 2nd Schedule to increase the width of the carriageway of the streets or roads therein mentioned by reducing the width of the foot-path or footpaths at the side or sides thereof to the extent shown on the deposited plans, provided that they shall not reduce the width of any footpath to less than 6 feet.*]

20. [*Power to the Council to the extent shown on the deposited plans and sections to alter the levels of parts of Gresham Road, Coldharbour Lane, Norwood Road, Palace Road, and Avenue Park Road.*]

21. [*Power to the Council to make subsidiary works, to stop up streets and appropriate the sites thereof, and to alter and interfere with drains and sewers on providing proper substitutes, resting of the soil of streets, etc., stopped up in the Council—Substituted sewers and drains to be under the same management as existing sewers and drains.*]

Applying
provisions of
London
County Coun-
cil (Subways)
Act 1893.

22. The provisions of the London County Council (Subways) Act 1893 shall extend and apply to any subway to be constructed under the powers of this Act as well during as after the construction thereof as if such subway had been included in the expression “subway” in the first-mentioned Act and all by-laws under that Act which are in force at the passing of this Act or which shall thereafter be made shall extend and apply to every such subway.

Provided that for the purposes of the application of the said London County Council (Subways) Act 1893 to any such subway the Metropolitan Water Board and the London Hydraulic Power Company shall be deemed to be water companies.

Improve-
ments to form
public
streets.
Repair etc.

23. When and as each of the improvements or any part thereof is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the improvement to which such certificate relates as shall have been laid out for carriage-way or footway shall form part of the street and may be used by the public accordingly. Subject to the provisions of this Act so much of the land acquired by the Council for the widening of any street as is thrown into and used for the carriage-way or footway of any street widened under this Act shall on the completion of such widening become vested in the Lambeth Council and the maintenance repair paving cleansing and lighting of each of the improvements shall be under the care management control and jurisdiction of the Lambeth Council in the same manner as other streets in the metropolitan borough of Lambeth.

Provided that the provisions of this section with reference to the repair of carriage-way shall not apply to that part of any carriage-way which under the provisions of the Tramways Act 1870* the Council is bound to keep in repair.

24. [*Provision requiring the Lambeth Council to contribute towards the expenses of the Council in relation to the improvements not exceeding one-third of such expenses or £25,167 (whichever shall be the less)—Provido that unless the Council shall within two years from the 1st October 1907 have completed the reconstruction for electrical working of the tramways described in the section of this Act, of which the marginal note is "Reconstruction of existing tramways," the Lambeth Council shall not be liable to make such contribution—Power to the Lambeth Council to borrow for the purpose of paying any such contribution.*]

25. A separate account shall (if and so far as may be necessary) be kept in relation to the costs and expenses of the improvements and for the purpose of ascertaining the sums to be paid to the Council under the provisions of the said section by the Lambeth Council the Council shall notwithstanding the provisions of the Metropolitan Board of Works (Loans) Act 1869 or any other Act carry to the said account all sums of money (if any) which may from time to time be paid to the Council under the provisions of this Act on account of the improvements whether such sums arise from the sale of materials or the sale or letting of lands or any other sums which recoup the Council part of the expenses incurred by them in carrying this Act into execution with respect to the improvements and shall furnish to the Lambeth Council copies of the accounts relative to the improvements.

Accounts of
receipts and
payments.

PART IV.—PURCHASE OF LANDS.

26. (1) Subject to the provisions of this Act the Council may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference as intended to be taken for the purposes of this Act which they may require for the purposes of the improvements and for providing space for the erection of houses and buildings adjoining or near to the improvements and for other purposes of this Act.

Power to
Council to
take lands.

(2) [*Identical with 1 Edw. 7, c. cclxxi. s. 39 (2).*]

27. Subject to the provisions of this Act the Council may purchase and take for the purposes of a sub-station or for other purposes of or connected with their tramway undertaking the lands in the parish and metropolitan borough of Lambeth hereinafter described and delineated on the deposited plans and described in the deposited book of reference (that is to say):—

Power to
acquire lands
for a sub-
station.

Lands bounded on the north partly by premises in Stockwell Road in the occupation of George Reddish veterinary surgeon and partly by premises in Broomgrove Road in the occupation of the London Parcels Delivery Company and partly by premises in Moat Place in the occupation of the Alliance Dairy Company on the east partly by the said premises in the occupation of George Reddish and partly by the said premises in the occupation of the Alliance Dairy Company on the south partly by the said premises in the occupation of the Alliance Dairy Company and partly by the yard stables and premises in Stockwell Road in the

* See Appendix.

occupation of William Hedgecock and on the west partly by the rear of the premises Nos. 105B and 105A Stockwell Road and the passageway between the two last-mentioned premises and partly by the said premises in the occupation of George Reddish together with the stables buildings and premises erected on such lands and together with an easement or right of way over the passageway aforesaid leading from Stockwell Road to the said lands.

28. [*Purchase of lands by agreement. Identical with 4 Edw. 7, c. ccxxxi. s. 31.*]

29—30. [*As to compensation in case of recently altered buildings—Enabling the Council to take part only of the properties mentioned in the 3rd Schedule to this Act.*]

31. [*Period for purchase of lands limited to 3 years.*]

32. [*The Council to dispose of lands within a certain period. Identical with 4 Edw. 7, c. ccxxxi. s. 65, substituting the words "any of the improvements" for the words "any improvement."*]

As to sale of
ground
rents.

33. Subject to the provisions of this Act the Council may sell and dispose of or cause to be sold and disposed of the ground rents to be reserved by the leases or demises or agreed to be reserved by any agreements for leases of any lands made under the authority of this Act and also the fee simple in reversion in such lands and in the houses erections or buildings thereon either altogether or in parcels by public auction or by private contract for such price or prices or sum or sums of money as the Council shall think reasonable and subject to such stipulations and provisions for the enjoyment thereof and as to the nature of the buildings which are to be at all times erected and built thereon and also subject to such stipulations as to the title to be produced to the hereditaments to be sold as the Council shall think fit and as regards any stipulations or provisions which may be contained in any conveyance under this enactment the same may at all times thereafter be enforced by the Council for the benefit of the parties entitled to other property adjoining or held after the same title.

PART V.—EXTENSION OF TIME.

34—35. [*Extension till 15th August 1909 of the time limited by 4 Edw. 7, c. ccxxxi. for the compulsory purchase of lands for widenings at Stanstead Road, Brockley Rise, Brockley Road, and Lewisham Road, and application of Part II. of the Railway Clauses Act 1863 to such extension of time.*]

PART VI.—MISCELLANEOUS AND FINANCIAL.

Agreements
between
Council and
road authori-
ties as to
repair of
roads.

36. The Council on the one hand and the authority or body charged with the maintenance and repair of any street or road along or in which any tramway of the Council is laid or situate on the other hand may enter into and carry into effect agreements with respect to the maintenance and repair of any portion of such street or road which the Council are under the provisions of any Act or agreement liable to maintain and repair and as to the cost of such maintenance and repair and may by any agreement

entered into under the powers of this section vary or modify any such liability. [See also the Tramways Act 1870, s. 29. See *Appendix.*]

37. Notwithstanding anything contained in section 12 of the London County Tramways (Electrical Power) Act 1900 it shall be lawful for the Council and any road authority to enter into and carry into effect agreements for or with respect to the removal by such authority or otherwise from any street within the district of such authority and in which any tramway of the Council is situate of any accumulations of matter removed from the conduit or grooves of the rails of such tramway.

Amending section 12 of London County Tramways (Electrical Power) Act 1900.

38. All regulations and by-laws made or hereafter to be made by the Board of Trade under the provisions of section 7 (As to by-laws) of the London County Tramways Act 1896 and for the time being in force shall extend and apply to all tramways for the time being worked by the Council.

Extension of Board of Trade regulations and by-laws.

39. Sub-section (3) of section 12 (Power to make additional crossings etc.) of the London County Council (Tramways and Improvements) Act 1901 shall as from the passing of this Act be read and have effect as if the words "for a distance of thirty feet or upwards" had been inserted therein immediately after the words "shall be so laid that."

Amending section 12 of the London County Council (Tramways and Improvements) Act 1901.

Provided that this section shall not operate so as to affect prejudicially any rights vested in the lessee of Spitalfields Market in the metropolitan borough of Stepney under the indenture of lease to him dated the fifth day of February one thousand eight hundred and eighty-three or any right of action or other remedy against the Council subsisting at the passing of this Act.

40.—(1) Subject to the provisions of this Act the Council for the purposes and during the making of any of the works may stop up or cause to be stopped up temporarily all or any part of any carriage-way or footway which they shall think necessary to be stopped up so far as shown on the deposited plans and may put or cause to be put up upon the lands shown in connection with the works sufficient palisades hoardings bars posts and other erections and may construct temporary works for keeping any such carriage-way and footway open for traffic and may make from time to time such orders for regulating the traffic as to them shall seem proper and may remove and alter any drinking-troughs lamp-posts refuges and any other erections upon the said lands.

Power to stop up ways temporarily.

(2) The Council shall provide reasonable access for all persons *bonâ fide* going to or returning from any house in any street of which the carriage-way or footway is stopped up under the powers of this section.

41. [*Period for completion of works limited to 7 years.*]

42. The sections of the London County Council (Tramways and Improvements) Act 1901 of which the numbers and marginal notes are respectively set forth in the second and third columns of the Fourth Schedule to this Act are hereby incorporated with and form part of the parts of this Act of which the numbers are respectively set opposite to the said sections in the first column of the said Schedule and the said sections shall extend and apply to the works and to the lands by this Act authorised to be acquired by the

incorporating certain provisions of London County Council (Tramways and Improvements) Act 1901 with various parts of Act.

Council and to the Council in respect thereof as fully and effectually as if such sections had been re-enacted in this Act with reference thereto.

Provided that for the purposes of the incorporated sections 48 and 49 of the said London County Council (Tramways and Improvements) Act 1901 the Metropolitan Water Board shall be deemed to be a company.

Money to be raised on capital account.

43.—(1) The Council may expend on capital account for the purposes of this Act such money as they may from time to time think fit not exceeding two hundred and seventy-nine thousand and five pounds and in order to raise or provide the money required for that purpose the Council may from time to time create and issue consolidated stock or resort to the Consolidated Loans Fund or otherwise raise money in accordance in each case with the provisions of the Acts for the time being in force regulating the raising of money for capital purposes by the Council.

Provided that nothing in this Act shall authorise the borrowing and expenditure of any money on capital account after the thirtieth day of September one thousand nine hundred and eight.

(2) [*Identical with 6 Edw. 7, c. clxxxi. s. 61 (2).*]

For protection of royal palaces parks etc.

44.—(1) With a view to the protection of the royal palaces parks and gardens museums and other public buildings and their contents (in this section referred to as "the protected premises") the Commissioners of Works and their engineer or other officer duly authorised in writing under the hand of their secretary may from time to time enter upon and inspect any generating station of the Council and if on such inspection it appears that proper precautions are not being adopted for the due consumption of smoke and for preventing as far as reasonably practicable the evolution of oxides of sulphur and generally for the prevention of nuisance in relation to the protected premises they may (without prejudice to any other remedy) require the Council forthwith to carry out such works and to do such things as are reasonably necessary in the circumstances.

(2) The Council shall give all reasonable facilities for such inspection to the Commissioners and their engineer or other officer as aforesaid and shall comply with any such requirement as aforesaid.

(3) Any dispute arising between the Commissioners and the Council in relation to any of the provisions of this section shall be referred to an arbitrator to be appointed (in case of disagreement) by the President of the Institution of Electrical Engineers and the Arbitration Act 1889 shall apply to the reference.

45. [*Saving the rights of the Crown.*]

As to payments under this Act.

46. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general or special county purposes within the meaning of the Local Government Act 1888 as the Council may decide. . . . [*Part omitted (as to expenses of obtaining this Act).*]

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

(Referred to in Section 18.)

[*Identical with 1st Schedule to 6 Edw. 7, c. clxxxi.*]

SECOND SCHEDULE.
(Referred to in Section 19 (2).)

DESCRIPTION OF PORTIONS OF STREETS OF WHICH CARRIAGE-WAY
IS TO BE WIDENED.

Name of Thoroughfare.	Parish.	Side or Sides of Thoroughfare.	Description.
South Lambeth Road	Lambeth	Eastern .	Between The Grove and Langley Lane.
"	"	Western .	Between Archer Street and a point 2 chains or thereabouts northward thereof.
"	"	Eastern .	Between points respectively 2 chains or thereabouts and 3 chains or thereabouts southward of Fentiman Road.
"	"	Both .	Between Wheatshaf Lane and Walton Terrace.
"	"	Eastern .	Between Walberswick Street and a point $1\frac{1}{2}$ chain or thereabouts northward thereof.
Stockwell Road	"	Western .	Between Herbert Road and a point 1 chain or thereabouts south-eastward of Broomgrove Road.
"	"	Eastern .	Between Rumsey Road and a point 1 chain or thereabouts eastward thereof.
"	"	Eastern .	Between Stockwell Park Walk and a point opposite the northern side of Stansfield Road.
"	"	Western .	Between Stansfield Road and Chantry Road.
Gresham Road	"	North-eastern	Between points respectively $\frac{1}{2}$ chain or thereabouts and $2\frac{1}{2}$ chains or thereabouts south-eastward of Western Road.
"	"	Both .	Between Coldharbour Lane and a point 3 chains or thereabouts north-westward thereof.
Coldharbour Lane	"	South-eastern	Between a point 5 chains or thereabouts eastward of Barrington Road and point $5\frac{1}{2}$ chains or thereabouts westward of the junction of the eastern spur of Loughborough Park with Coldharbour Lane.
"	"	North-western	Between Shakspeare Road and a point $1\frac{1}{2}$ chain or thereabouts northward thereof.
Norwood Road	"	Western .	Between Deronda Road and a point 2 chains or thereabouts northward thereof.
"	"	Western .	Between points respectively 1 chain or thereabouts and 2 chains or thereabouts southward of Romola Road.
"	"	Western .	Between Lansdowne Hill and a point $1\frac{1}{2}$ chain or thereabouts southward of Approach Road.
"	"	Eastern .	Between Avenue Park Road and a point opposite the northern side of Harpenden Road.
"	"	Eastern .	Between Chatsworth Road and a point 17 chain or thereabouts southward of Chestnut Road.
Coldharbour Lane	"	Both .	Between Heine Hill Road and Luxor Road.
"	"	South-eastern	Between Luxor Road and Coldharbour Place.

THIRD SCHEDULE.

(Referred to in Section 30.)

*[Description of properties of which portions only are required to be taken
by the Council.]*

FOURTH SCHEDULE.

(Referred to in Section 42.)

LONDON COUNTY COUNCIL (TRAMWAYS AND IMPROVEMENTS) ACT, 1901

Part of Act to which Incorporated Sections apply.	Number of Section Incor- porated.	Marginal Note.
II.	7	Tramways not to be opened until certified by Board of Trade.
	8	As to rails of tramways.
	9	Rails to be maintained on level of roadway.
	10	Saving rights of access to sewers.
	11	Penalty for not maintaining rails and roads in good condition and inspection of tramways.
	13	Council may reduce width of footway in certain cases.
	14	Use of tramways by road authorities for certain local purposes.
	17	Power to Council to work tramways.
	19	For protection of Postmaster-General (except sub-section (5) of paragraph (b) of that section *).
	22	Provision against interference with tramways.
III.	24	Provision as to general Tramway Acts.
	29	Streets may be raised or lowered.*
	30	Deviation from line and levels.*
	32	Carriage-way footway sewers and other works.*
	33	Directing how the pavement shall be laid and made.*
	34	Sewers or drains to be arched over or filled up.*
	35	Power to alter steps areas pipes etc.*
	38	Power to sell materials.*
IV.	41	Power to certain persons to grant easements etc. by agreement.
	42	Correction of errors in deposited plans etc.*
	43	Power to Council to enter upon property for survey and valuation.*
II. and III.	44	Costs of arbitration etc. in certain cases.*
	48	Alteration of position of water gas and other pipes.*
III.	49	For protection of gas and water companies.*
	50	Alteration of electric lines.
IV.	52	Power to lease surplus lands.
	54	Council may sell land in the first instance without having previously granted a lease thereof.
	55	Council may let or exchange lands.
	57	Receipts of Council to be effectual discharges.
III.	58	Power to Council to make agreements with owners of property, etc.
III.	66	Agreements for closing accounts in cases of joint works.*
II.	68	Separate account of receipts and payments relating to tramways.
III.	69	Apportionment of expenses of certain improvements.

* These sections are set out in extenso in the Appendix under the title of the London County Council (Tramways and Improvements) Act 1901.

CHAPTER CLXXI.

AN ACT TO PROVIDE FOR UNIFORM SCALES OF CHARGES FOR WATER APPLICABLE THROUGHOUT THE LIMITS OF SUPPLY OF THE METROPOLITAN WATER BOARD; AND FOR OTHER PURPOSES.

[25th August 1907.]

[*Preamble recites (inter alia) that by the Metropolitan Water Act 1902 (in this Act referred to as "the Act of 1902") the Metropolitan Water Board (in this Act referred to as "the Board") were established for the purpose of acquiring by purchase and of managing and carrying on the undertakings of the companies mentioned in the First Schedule to this Act and also the water undertakings of the Councils of the Urban Districts of Tottenham and Enfield, and generally for the purpose of supplying water within the area described in the Act of 1902; and that the Board have acquired and are now managing and carrying on the said undertakings, and are supplying water within an area which comprises the whole of the administrative county of London and parts of the counties of Middlesex, Surrey, Kent, Essex, and Hertford; and that it is provided by the Act of 1902 that the Board shall within 3 years after the appointed day referred to in that Act (namely, the 24th June 1904) introduce into Parliament a Bill providing for uniform scales of charges applicable throughout their limits of supply.*]

Preamble.

1. This Act may be cited as the Metropolitan Water Board (Charges) Act 1907. *Short title.*

2. This Act shall come into operation on the first day of April one thousand nine hundred and eight which date is in this Act referred to as "the commencement of this Act." *Commencement of Act.*

3. The following parts of the Waterworks Clauses Act 1847 (namely):— *Incorporation of parts of Waterworks Clauses Act 1847.*

The provisions with respect to the supply of water to be furnished by the undertakers (except sections 35 and 36);

The provisions with respect to the communication pipes to be laid by the inhabitants;

The provisions with respect to the payment and recovery of the water rates; and

The provisions with respect to access to the special Act (sections 90 and 91);

shall (so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act) be incorporated with and form part of this Act and apply as from the commencement of this Act.

And in and for the purposes of this Act the several words and expressions to which by the said Waterworks Clauses Act 1847 meanings are assigned shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Provided that in and for the purposes of this Act the expressions "the undertakers" and "the Company" in the said incorporated provisions shall mean the Board and that the expression "the Special Act" where used in the said incorporated provisions shall include this Act.

* There was also passed in this year the Metropolitan Water Board (Various Powers) Act 1907 which is not included in this work.

As to section
72 of Water-
works Clauses
Act 1847.

4. In and for the purposes of this Act section 72 * of the Waterworks Clauses Act 1847 as incorporated with this Act shall be read and have effect as if the words "rateable value" had been inserted therein instead of the words "annual value" and as if the words "twenty pounds" had been inserted therein instead of the words "ten pounds."

Interpreta-
tion.

5. In this Act unless the subject or context otherwise require :—
The expression "the limits of supply" means the limits within which the Board are from time to time authorised to supply water ;

"Owner" has the same meaning as that assigned to the said word by section 72 * of the Waterworks Clauses Act 1847.

Repeal of
certain
enactments.

6. In order to make uniform throughout the limits of supply the obligations of the Board with respect to the supply of water the Acts specified in the first column of the Second Schedule to this Act shall be and the same are hereby repealed to the extent mentioned in the second column of the said Schedule and the provisions contained in this Act shall apply and have effect in lieu thereof.

Provided that all rates rents and charges due or accruing due to the Board down to the commencement of this Act may be collected sued for and recovered as if this Act had not been passed.

Obligations
of Board
with respect
to laying
of mains
and pipes.

7. Subject to the provisions of this Act the Board shall cause service mains or pipes (not being communication pipes) to be laid down and a supply of pure and wholesome water for domestic purposes to be brought to every part within the limits of supply whereunto they shall be required by so many owners or occupiers of houses or buildings or parts of houses or buildings occupied as separate tenements in that part of the limits that the aggregate amount of water rate payable by them annually under this Act in respect of the supply so required shall be not less than one-tenth part of the expense of providing and laying down such mains or pipes. Provided that no such requisition shall be binding on the Board unless such owners or occupiers shall severally execute an agreement binding themselves to take such supply of water for three successive years at least. [*See 7 Edw. 7, c. cclxxv. s. 78.*]

Domestic
supply and
charges.

8. Subject to the provisions of this Act the Board shall at the request of the owner or occupier of any house or building or part of a house or building occupied as a separate tenement in any street within the limits of supply in which any service main or service pipe of the Board shall be laid or of any person who under the provisions of this Act shall be entitled to require a supply of water for domestic purposes furnish to such owner or occupier or other person by means of a communication pipe or communication pipes and other necessary and proper apparatus to be provided and laid down and maintained by him and at his cost a sufficient supply of water for domestic purposes at a rate per annum which shall not

* S. 72 of the Waterworks Clauses Act 1847 is as follows :

72. The owners of all dwelling-houses or parts of dwelling-houses occupied as separate tenements, the annual value of which houses or tenements shall not exceed the sum of ten pounds, shall be liable to the payment of the rates instead of the occupiers thereof; and the powers and provisions herein or in the special Act contained for the recovery of rates from occupiers shall be construed to apply to the owners of such houses and tenements; and the person receiving the rents of any such house or tenement as aforesaid from the occupier thereof, on his own account, or as agent or receiver for any person interested therein, shall be deemed the owner of such house or tenement.

exceed five per centum of the rateable value of the house or building or part of a house or building in respect of which the supply is required and such rate shall subject to the provisions of this Act be charged uniformly under like circumstances to all consumers entitled to such supply.

9. Where under the foregoing provisions of this Act the Board furnish a supply of water for domestic purposes to any house or building or part of a house or building occupied solely for the purposes of any trade or business or of any profession or calling by which the occupier seeks a livelihood or profit and occupied as a separate tenement which is assessed to the poor rate or other rate in which such last mentioned rate is included in a sum exceeding three hundred pounds per annum and is not charged with the payment of inhabited house duty the Board shall make or allow from the water rate payable in respect of such supply a rebate or discount of such amount (not being less than twenty per centum or more than thirty per centum of such water rate) as the Board may from time to time determine and such rebate or discount shall from time to time be made or allowed from the water rate payable in respect of every such supply as aforesaid and at a uniform rate per centum :

Rebates to be made in certain cases.

Provided that in making or allowing such rebate or discount the water rate shall not in any case be less than would have been payable in respect of any house or building or part of a house or building occupied as a separate tenement assessed to the poor rate or other such rate as aforesaid in a sum of three hundred pounds per annum.

10. In order to ascertain for the purposes of this Act whether any house or building or part of a house or building is or is not charged with the payment of inhabited house duty any person having the custody of any list of assessments to or exemptions from such duty or any official document relating thereto shall on a request in writing by the clerk of the Board make and transmit to the Board copies of or extracts from such list or document such copies or extracts to be certified as correct by the officer preparing the same or permit such copies or extracts to be made by such persons as the clerk of the Board may in that behalf direct.

Inspection etc. of lists of houses exempt from inhabited house duty.

Any such certified copy or extract as aforesaid shall in all proceedings and for all purposes be admissible and received as sufficient evidence of the matters therein stated.

11.—(1) As from the commencement of this Act until the thirty-first day of March one thousand nine hundred and thirty-three Section IV. (Rates at which water is to be supplied in part of Paddington for domestic purposes) of the Grand Junction Waterworks Acts 1856 shall be read and have effect as if the rate specified in the section of this Act of which the marginal note is "Domestic supply and charges" had been therein referred to instead of the several rates specified in section 46 of the Grand Junction Waterworks Act 1852 and as from the first day of April one thousand nine hundred and thirty-three the said Grand Junction Waterworks Act 1856 shall be and the same is hereby repealed.

As to charges for supply for domestic purposes in Bishop of London's estate Paddington.

(2) Nothing in this section shall deprive any person of any rebate or discount to which he may be entitled under the section of this Act of which the marginal note is "Rebates to be made in certain cases" and such rebate or discount shall be calculated upon

the net amount chargeable pursuant to the foregoing sub-section of this section.

Penalty
for neglect
to supply
water for
domestic use.

12. If for twenty-eight days after demand in writing made to the Board and tender made to the Board of such an agreement signed by owners or occupiers to take and pay for a supply of water for domestic purposes for three years or more as is by this Act provided for the Board neglect to lay down service mains or pipes in the manner hereinbefore directed and to provide by means of a communication pipe or communication pipes and other necessary and proper apparatus to be provided and laid down and maintained by and at the cost of such owners or occupiers such supply of water the Board shall on summary conviction of any such neglect forfeit to each such owner and occupier by way of penalty the amount of rate which he would be liable to pay under such agreement and also the further sum of forty shillings for every day during which they neglect to lay down such mains or pipes or to provide such supply of water. Provided that the Board shall not be liable to any penalty for not laying down any such main or pipe if they be prevented so doing by any unavoidable cause or accident or for not supplying water if the failure to furnish such supply arise from frost unusual drought or other unavoidable cause or accident.

Mode of
determining
rateable
value.

13.—(1) The rateable value of any house or building or part of a house or building for the purposes of this Act shall be determined by the valuation list in force at the commencement of the quarter for which the water rate accrues or (if there is no such list in force) by the last rate made for the relief of the poor or other rate in which such last-mentioned rate is included.

Provided that if no rateable value be assigned in any such valuation list as aforesaid to any house or building or part of a house or building and such house or building or part of a house or building is not rated to any rate made for the relief of the poor or to any such other rate as aforesaid the annual value of such house or building or part of a house or building determined in manner provided by section 68 of the Waterworks Clauses Act 1847 shall for the purposes of this Act be deemed to be the rateable value of such house or building or part of a house or building.

(2) Subject to the foregoing provisions of this section the Water Rate Definition Act 1885 * shall extend and apply throughout the limits of supply and in construing the proviso to section 1 of that Act the words "rateable value" shall be substituted for the words "annual value."

As to valuation
of
Government
buildings.

14. Where in respect of any building in the occupation of His Majesty or any department of His Majesty's Government contributions in lieu of rates are paid by the Treasury the value at which the building is assessed for the purpose of such contributions shall for the purposes of this Act be deemed to be the rateable value thereof.

Dates for
payment of
water rates.

15. Notwithstanding anything contained in section 70 of the Waterworks Clauses Act 1847 the quarterly days for payment of water rates to the Board shall be the first day of April the first day of July the first day of October and the first day of January in each year.

Supply by
measure.

16.—(1) The Board shall at the request of any owner or occupier of any premises situate in or adjoining any street in which any main

* See Appendix.

or service pipe of the Board is or shall be laid who requires for use on such premises a supply of water by measure for purposes other than domestic and by means of communication pipes and other necessary and proper apparatus to be provided laid and maintained by and at the cost of the person requiring such supply afford a supply of water by means of a meter or other fit and sufficient instrument or apparatus supplied (at the cost of such person as aforesaid) or approved by the Board for measuring and ascertaining the quantity of water so supplied.

(2) The Board shall charge for any supply furnished by them under the last preceding sub-section of this section not exceeding the following rates for every one thousand gallons (that is to say) :—

When the quarterly consumption of water does not exceed fifty thousand gallons eleven pence ;

When exceeding fifty thousand gallons and not exceeding one hundred thousand gallons ten pence ;

When exceeding one hundred thousand gallons and not exceeding two hundred thousand gallons nine pence and one halfpenny ;

When exceeding two hundred thousand gallons and not exceeding five hundred thousand gallons nine pence ;

When exceeding five hundred thousand gallons and not exceeding one million gallons eight pence and one halfpenny ;

When exceeding one million gallons and not exceeding three million gallons eight pence ;

When exceeding three million gallons and not exceeding five million gallons seven pence ;

When exceeding five million gallons six pence and one-eighth of a penny.

Provided that the Board shall be entitled to charge for any such supply a sum of not less than twenty-two shillings and eleven pence in any quarter of a year and shall not be required to furnish any such supply for hydraulic power or in any greater quantity than five hundred thousand gallons in any day of twenty-four hours save to such consumers as may have during any day in the year ending the thirty-first day of March one thousand nine hundred and seven received a supply in excess of five hundred thousand gallons in which case the Board shall if required continue to give to such consumer a daily supply not exceeding the quantity so received.

Provided also that the whole of the water taken within any railway premises which form one area for railway purposes and are connected otherwise than by the running lines of the railway company shall be reckoned as one supply and chargeable accordingly notwithstanding that the water may in fact be delivered thereat through two or more meters pipes or other necessary and proper instruments.

Provided further that the whole of the water furnished to any person within any premises which form one area for trading or manufacturing purposes shall be reckoned as one supply and chargeable accordingly notwithstanding that the water may in fact be delivered thereat through two or more meters pipes or other necessary and proper instruments.

Provided also that the provisions of this section shall not prejudice any right which the London Hydraulic Power Company

may have under this section to require a supply for the purposes of their trade or business.

(3) The said rates shall be charged uniformly under like circumstances to all consumers entitled to and receiving a supply under this section and the Board shall not in the case of any supply exceeding twenty-five thousand gallons charge for any such supply a greater sum than they would be entitled to charge if the quantity of water supplied were just sufficient to bring such supply within the next division of the above-mentioned scale of rates relating to a supply of a greater quantity whereon a lower rate for every one thousand gallons is chargeable.

(4) The Board shall not be liable to any penalty or damages for not supplying water under this section if the failure to furnish such supply arises from frost unusual drought or other unavoidable cause or accident.

Supply for
building
purposes.

17. Any builder being about to erect any building or part of a building who shall require a supply of water for that purpose shall be deemed to be the occupier of premises within the meaning and for the purposes of the section of this Act relating to "Supply by measure." Provided that if the Board so determine they may instead of affording the required supply by measure afford the same at a rate not exceeding seven shillings per hundred pounds of the probable total cost after making such allowance as the Board may think reasonable for decorative or iron or steel work not requiring the use of water.

Meter rents.

18. The Board shall not take or recover from any consumer of water in respect of the hire of any meter or instrument for measuring water any rent in excess of the following respective sums where the diameter of the inlet and outlet of such meter or instrument does not exceed the dimensions hereinafter respectively specified (that is to say):—

Not exceeding three-eighths of an inch one shilling and sixpence per quarter;

Not exceeding half an inch two shillings per quarter;

Not exceeding three quarters of an inch two shillings and sixpence per quarter;

Not exceeding one inch three shillings and sixpence per quarter;

Not exceeding an inch and a quarter four shillings per quarter;

Not exceeding an inch and a half five shillings per quarter;

Not exceeding two inches seven shillings and sixpence per quarter;

Not exceeding three inches ten shillings per quarter;

Not exceeding four inches twelve shillings and sixpence per quarter;

Not exceeding five inches fifteen shillings per quarter;

Not exceeding six inches seventeen shillings and sixpence per quarter;

Not exceeding eight inches twenty-five shillings per quarter.

As to
breaking up
ground for
maintaining
communi-
cation pipes.

19. For the purpose of complying with any obligation under this Act to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

20. The Board shall not be bound to afford a supply of water otherwise than by measure to any house or building whereof any part is used for any trade or manufacturing purpose for which water is used or to any common lodging-house barracks workhouse or other public institution or building. Supply to houses partly used for trade etc.

Provided that where the Board decline to afford otherwise than by measure any such supply as aforesaid they shall if required by the person who but for the provisions of this section would have been entitled to demand such supply furnish to the building in respect of which the supply is required a sufficient supply of water upon and subject to the terms and conditions contained in the section of this Act relating to "Supply by measure" and subject to the next following proviso (that is to say) :—

Provided that (except in the case of a supply by measure under this section to barracks or other buildings for the time being in the occupation of His Majesty or of any department of His Majesty's Government for public purposes) the Board may require that the sum to be paid for any such supply by measure shall not be less than the sum which would have been chargeable in respect of such supply had the supply been given under the provisions of this Act which relate to the supply for domestic purposes otherwise than by measure and the charges therefor.

For the purposes of this section the expression "public institution or building" shall not include any hospital or sanatorium wholly or partly supported by endowments or voluntary contributions and not carried on for purposes of private profit or gain.

21. The Board may from time to time if they so determine at the request of any person desiring a supply of water under pressure for the purpose of supplying motive power by hydraulic pressure for any purpose to which such power is or may be applicable enter into and carry into effect an agreement or agreements with any such person for affording him such a supply at such rates and charges and upon such terms and conditions as may from time to time be agreed upon. As to supply for hydraulic power.

22. Nothing in this Act shall alter or affect any enactment in force at the commencement of this Act prescribing the height above which the Board are not bound to supply water but the Board shall not be entitled to charge any rate in addition to the rates by this Act authorised for any supply of water constituting a high service within the meaning of any Act relating to the Board or their undertaking in force immediately prior to the commencement of this Act. As to height at which supplies are to be furnished.

23. Notwithstanding anything in this Act the Board shall not be bound to furnish any supply of water or lay down any pipe for such purpose in any part of the limits of supply which part is for the time being supplied with water by any company or by any body or authority other than the Board. Board not to be bound to supply in parts supplied by other bodies.

24. The Board may notwithstanding anything contained in this Act by agreement with any person or body desiring a supply of water for any purpose in any part of the limits of supply furnish such supply upon such terms and conditions as to payment and otherwise as may be agreed upon. Power to supply by agreement in certain cases.

Provided that nothing in this section shall prejudice or affect the terms upon which any person or body is under the provisions of this Act entitled to require a supply of water for any purpose.

Provided also that the terms and conditions upon which a supply of water is given by the Board under this section shall be the same under like circumstances to all consumers.

Defining
"domestic
purposes."

25. In and for the purposes of this Act the expression "domestic purposes" shall be deemed to include water closets and baths constructed or fitted so as not to be capable of containing when filled or filled up to the overflow or waste pipe (if any) more than eighty gallons but shall not include a supply of water for any of the following purposes (namely) :—

- Steam gas motor and other like engines ;
- Railway purposes ;
- Ventilating purposes ;
- Working any machine or apparatus ;
- Consumption by or washing of horses or cattle ;
- Washing carriages or other vehicles ;
- Watering gardens by means of any outside tap or any hose tube pipe sprinkler or other like apparatus ;
- Fountains or any ornamental purpose ;
- Cleansing sewers and drains ;
- Cleansing and watering streets or roads ;
- Fire extinction ;
- Flushing drains by means of any apparatus discharging automatically ;
- Public pumps baths or washhouses ;
- Any trade manufacture or business ;
- Any bath constructed or fitted so as to be capable of containing when filled or filled up to the overflow or waste pipe (if any) more than eighty gallons.

Rates pay-
able by
owners of
small houses.

26. Where a house or building or part of a house or building supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Board so determine pay the rate for the supply.

Power to
Board to
compound
rates with
owners.

27. Where under the provisions of this Act or any demand or agreement made or entered into thereunder the water rate in respect of the supply of water to any house or building or part of a house or building is payable by the owner of such house or building or part of a house or building and not by the occupier or occupiers and such owner agrees with the Board in writing to pay such rate whether such house or building or part of a house or building be occupied or not it shall be lawful for the Board to make or allow to such owner a deduction or abatement from the amount payable by way of water rate in respect of such house or building or part of a house or building to an amount not exceeding one-fifth thereof and in agreeing to make or allow any such deduction or abatement as aforesaid the Board may impose such terms and conditions as to the time and mode of payment of the water rate as they may think fit.

As to charges
for supply to
Government
buildings.

28. If in relation to the charge made or proposed to be made by the Board for a supply of water either for domestic purposes or for purposes other than domestic to any building for the time being in the occupation of His Majesty or of any department of His Majesty's Government for public purposes any question shall arise between the person or department having the control of such building or requiring such supply on the one hand and the Board on the other hand as to whether the Board are for the time being fur-

nishing in like circumstances to any other building within the limits of supply for the like purposes as those in respect of which such question arises a supply of water at a lower rate of charge than the charge so made or proposed to be made by the Board as aforesaid such question shall be determined by an arbitrator to be agreed upon between the parties to such question or failing such agreement to be appointed on the application of either of such parties by the President of the Institution of Civil Engineers and subject to the foregoing provisions of this section the provisions of the Arbitration Act 1889 shall apply to such determination.

29. The rate for the supply by the Board of water for watering any of the parks or gardens situate within the limits of supply and maintained out of the public funds or rates and the roads in any such parks or gardens shall notwithstanding any other provision of this Act be the fixed rate of sixpence per thousand gallons. Rate for supply to parks and gardens.

30. A notice to the Board from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Board. Notice of discontinuance.

31. The rate for the supply by the Board of water for the purposes mentioned in Section 37 of the Waterworks Clauses Act 1847 shall be the fixed rate of sixpence per thousand gallons and for the purposes of this section the said section 37 shall be construed as extending to all such purposes as are therein mentioned whether the expenses in connection with such purposes be defrayed out of the poor rates or borough rates or out of any other public rate. Supply for public purposes.

32. Notwithstanding anything in this Act or any agreement made thereunder the Board shall not be required to afford a supply of water for other than domestic purposes if and so long as any such supply would interfere with the sufficiency of the water required to be supplied for domestic purposes. Provided that notwithstanding anything contained in this section the water supply shall not be cut off from any market gardener's premises without giving seven days' previous notice. Water not to be supplied for other than domestic purposes in certain events.

33. If any person refuses or neglects to pay to the Board any rate or sum due to them under this Act or any agreement made thereunder they may recover the same with costs in any court of competent jurisdiction and their remedy under the present section shall be in addition to their other remedies for the recovery thereof. Recovery of rates by action.

34. Section 15 of the Act of 1902 shall be amended as follows:—

So much of sub-section (6) of the said section as relates to the reduction of the rates charged for the supply of water below those in force during the quarter ending the twenty-fourth day of June one thousand nine hundred and two shall cease to have effect; Amending S. 15 of Act of 1902.

Sub-section (7) of the said section shall be read and have effect as if the words "Within three years after the appointed day" had been omitted therefrom.

35. Save as by this Act expressly provided nothing in this Act shall prejudice or interfere with the operation of any of the provisions of the Act of 1902 and nothing in this Act shall prejudice or interfere with any Regulation made under the Metropolis Water Act 1871.* Saving Act of 1902 and certain Regulations.

Preserving
savings in
Act of 1902.

36. Nothing in this Act shall prejudice or affect any of the savings contained in sections 32 to 36 of the Act of 1902 but such savings shall operate as fully and effectually as if the said sections were in terms re-enacted in this Act.

Saving of
special pro-
visions as to
Hertford-
shire in Act
of 1902.

37. Nothing in this Act contained shall be deemed to alter or vary or in anywise prejudice or affect the provisions contained in sections 12, 13 and 14 of the Act of 1902 so far as the same relate or are or may become applicable to any urban or rural district in Hertfordshire but all such provisions notwithstanding any of the provisions of this Act shall operate as fully and effectually as if this Act had not been passed.

Costs of Act.

38. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Board.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

The Governor and Company of the New River brought from Chadwell and Amwell to London commonly called the New River Company.

The East London Waterworks Company.

The Southwark and Vauxhall Water Company.

The Company of Proprietors of the West Middlesex Waterworks.

The Company of Proprietors of Lambeth Waterworks.

The Governor and Company of Chelsea Waterworks.

The Grand Junction Waterworks Company.

The Company of Proprietors of the Kent Waterworks.

The Staines Reservoirs Joint Committee.

SECOND SCHEDULE.

Name of Act.	Extent of Repeal.
Waterworks Clauses Act 1847	Sections 35, 36 and 44 so far as applicable to the Board.
Chelsea Waterworks Act 1852	Sections 60 to 65.
East London Waterworks Act 1853	Sections 57 to 62 sections 72 to 76 and sections 78 to 81.
51 George III. cap. 169 (Grand Junction Waterworks Act 1811).	Sections 44 and 46.
7 George IV. cap. 140 (Grand Junction Waterworks Act 1826).	Sections 27 and 29.
5 & 6 William IV. cap. 95 (Grand Junction Waterworks Act 1835).	Sections 12, 13 and 18.
Grand Junction Waterworks Act 1852	Section 40 and sections 46 to 51.
Grand Junction Waterworks Act 1861	Section 6.
Grand Junction Waterworks Act 1878	So much of section 4 as relates to the rates and charges for the supply of water and to the obligations of the Board.
Kent Waterworks Acts Amendment Act 1811.	Sections 40 and 46.
Kent Waterworks Act 1864	Sections 28 to 31.
Kent Waterworks Act 1877	Section 35.
Kent Waterworks Act 1888	Sections 35 and 36 (except the concluding proviso to section 36).
Kent Waterworks Act 1902	Sections 16 and 17 (except the concluding proviso to section 17).
Lambeth Waterworks Act 1848	Sections 37 to 40.
New River Company's Act 1852	Sections 34 to 43.
Southwark and Vauxhall Water Act 1852	Section 47 and sections 53 to 58.
Southwark and Vauxhall Water Act 1884	Sections 8 and 20.
West Middlesex Waterworks Act 1810	Sections 14 and 17.
West Middlesex Waterworks Act 1852	Section 33 and sections 39 to 45.
West Middlesex Waterworks Act 1866	Section 6.

CHAPTER CLXXV.

AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO EXECUTE WORKS AND ACQUIRE LANDS ; TO MAKE PROVISIONS FOR THE HEALTH AND WELL-BEING OF THE INHABITANTS OF THE COUNTY OF LONDON ; TO CONFER POWERS UPON THE COUNCIL OF THE METROPOLITAN BOROUGH OF CAMBERWELL ; AND FOR OTHER PURPOSES.

[28th August 1907.]

[Preamble.]

PART I.—INTRODUCTORY.

1. This Act may be cited as the London County Council short title. (General Powers) Act 1907.

2. This Act is divided into Parts as follows :—

Division of
Act into parts.

Part I.—Introductory.

Part II.—Works.

Part III.—Purchase of Lands by Council.

Part IV.—Milk Supply (Tuberculosis).

Part V.—Cleansing of Verminous Persons.

Part VI.—Prevention of Floods.

Part VII.—Payment of Moneys due to Deceased and Mentally Disabled Employees and Pensioners.

Part VIII.—Superannuation.

Part IX.—Extension of Time.

Part X.—Exchange of Lands in connection with Housing Sites.

Part XI.—Powers to Camberwell Council.

Part XII.—Miscellaneous and Financial.

3.—(1) In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

Interpreta-
tion of terms.

“ The Council ” means the London County Council :

“ The county ” means the administrative county of London :

“ The improvement ” means the reconstruction of Necker Bridge and the works connected therewith by this Act authorised ;

“ The Corporation ” means the Mayor and Commonalty and Citizens of the City of London acting by the Mayor Aldermen and Commons of the City of London in Common Council assembled ;

“ The Deptford Council ” and “ the Camberwell Council ” mean respectively the Councils of the Metropolitan Boroughs of Deptford and Camberwell ;

“ The medical officer ” means the medical officer of health of the county and includes any person duly authorised to act as deputy for or temporarily as such medical officer of health ;

“ Dairy ” means any farm farmhouse cowshed milk-store milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale ;

“ Dairyman ” means any cowkeeper purveyor of milk or occupier of a dairy ;

“ Sanitary authority ” means :—

(a) As respects the City of London the Corporation ;

(b) as respects any metropolitan borough the council of such borough ;

“Daily penalty” means a penalty for every day on which any offence is continued after conviction.

(2) In and for the purposes of the several parts of this Act hereinafter specified the following words and expressions have respectively the meanings hereby assigned to them unless there be anything in the subject or context repugnant to such construction (that is to say) :—

In Part VI. :—

“The Act of 1879” means the Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879;

The expressions “flood works” “bank” “dam” and “works of maintenance” have respectively the same meanings as are given to them by the Act of 1879.

In Part VII. :—

“Pensioner” includes any person entitled to any pecuniary benefit under any scheme for the establishment of a superannuation and provident fund prepared and adopted by the Council.

In Part VIII. :—

“The Act of 1891” and “the Act of 1892” mean respectively the London Council (General Powers) Act 1891 and the London County Council (General Powers) Act 1892.

In Part XII. :—

“The School Board” means the late School Board for London;

“The Officers’ Fund” means the superannuation fund for the benefit of the members of the non-teaching staff of the School Board;

“The School Board Act of 1902” means the School Board for London (Superannuation Scheme) Act 1902.

“Tenement house” means any house occupied by any person of the working class which is wholly or partially let in lodgings or which is occupied by members of more than one family;

“Working class” has the same meaning as in the Schedule to the Housing of the Working Classes Act 1903.

(3) The several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction.

Incorporation
of general
Acts.

4. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and not inconsistent with or expressly varied by this Act) are incorporated with and form part of this Act (namely) :—

The Lands Clauses Acts (except sections 127 and 133 of the Lands Clauses Consolidation Act 1845); and

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof.

Provided that in and for the purposes of Part XI. of this Act the expressions “the promoters of the undertaking” and “the company” in the said Acts wholly or partially incorporated herewith shall be construed to mean the Camberwell Council and that in and for the purposes of the remainder of this Act the same expressions shall be construed to mean the Council.

Provided also that notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 any claim for compensation under this Act or any Act incorporated herewith by any person having or in respect of any interest in the lands in respect of which compensation is claimed not greater than that of a lessee or tenant for any term of which not more than eighteen months remain unexpired at the time when the claim is made shall be determined by Justices in the manner provided by section 121 of the said Lands Clauses Consolidation Act 1845.

Provided further that for the purposes of the incorporated provisions of the Railways Clauses Consolidation Act 1845 the improvement and the centre line thereof shown on the deposited plans of the improvement shall respectively be deemed to be the railway and the centre of the railway.

PART II.—WORKS.

5. Subject to the provisions of this Act in the lines or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited section the Council may execute the improvement and works in the county hereinafter described (that is to say):—

Power to Council to make works.

Reconstruction of Necker Bridge.

They may take down and remove the bridge known as Necker Bridge carrying Trundley's Road over the Grand Surrey Canal in the parish of Saint Paul Deptford and metropolitan borough of Deptford or so much of such bridge as the Council may think fit and may in the said parish and metropolitan borough construct the following works in lien thereof (that is to say):—

A bridge over the said canal with approaches thereto commencing in Trundley's Road near the junction therewith of Grinstead Road and terminating in Trundley's Road aforesaid at a point opposite the premises known as No. 164 Trundley's Road.

6. Subject to the provisions of this Act the Council may in connection with the improvement and to the extent and in the line and according to the levels shown on the deposited plans and section alter the level or inclination of the roads forming the approach or access on the eastern and western sides respectively to the existing bridge from the roadway extending along the northern side of the said Canal and also of the road forming the approach or access from Trundley's Road to the arches of the South Eastern Railway Company on the western side of Trundley's Road.

Power to alter levels of roads.

7. The Council and the Surrey Commercial Dock Company and the Deptford Council or any of them may enter into and carry into effect any agreements with respect to the improvement and as to the grant by the said Company of any land required for the purposes thereof and as to the apportionment of the costs of the improvement.

Agreements as to the improvement.

8.—(1) When the improvement is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the

Improvement to form public street—Repair, etc.

date of such certificate so much of the improvement as shall have been laid out for carriage-way or footway shall form part of the street and may be used by the public accordingly.

(2) From and after the completion of the improvement the Deptford Council shall at all times maintain and keep in repair to the reasonable satisfaction of the Council the structure of the said new or reconstructed bridge and the foundations and works supporting the same and the approaches thereto and maintain repair pave cleanse and light the roadway on the said bridge and approaches.

Provided always that if the Deptford Council shall at any time fail to maintain and keep in repair the said structure foundations and works to the reasonable satisfaction of the Council it shall be lawful for the Council themselves to do all such acts and things as may be reasonably necessary for maintaining the same and keeping the same in repair and the Deptford Council shall on demand pay to the Council the amount of all costs charges and expenses reasonably incurred by the Council under this proviso.

(3) Subject to the provisions of this Act so much of the land acquired by the Council for the purposes of the improvement as is thrown into and used for the carriage-way or footway of any street shall (subject to the enjoyment by the Deptford Council of all such rights in such lands as are usually enjoyed in respect of a street by the council of a metropolitan borough) be and remain vested in the Council.

For protection of the Surrey Commercial Dock Company.

9. In connection with the improvement the following provisions for the protection of the Surrey Commercial Dock Company (hereinafter called "the Dock Company") and their roadway canal (hereinafter called "Surrey Canal") and the towing-path and banks thereof and the works connected therewith and other property of the Dock Company shall have effect:—

(a) The Council may remove the Necker Bridge and its abutments in such manner as may be most convenient provided that the conditions laid down in the following sub-sections are adhered to;

(b) The improvement shall be executed in all respects in such manner as to afford on completion a clear water-way between the abutments of the bridge for the traffic of the Surrey Canal of not less than forty feet in width and not less than six feet in depth below canal water-level throughout the whole of such width such canal water-level being three feet below Trinity High Water Standard. The centre of the waterway to have a clear headway of not less than nine feet six inches above the canal water-level. The headway may be gradually diminished from the centre towards the abutments so as to afford a minimum headway of eight feet nine inches above the canal water-level at the face of the abutments:

(c) The Council shall not without the consent of the Dock Company in writing under their common seal for that purpose first had and obtained take or use otherwise than temporarily any of the land or ground forming the said towing paths banks roadway and other works belonging to the Dock Company other than the land or ground coloured pink and hatched pink on the plan marked "A" relating to the improvement signed by Francis Layland-Barratt the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which

plan one copy has been deposited in the Private Bill Office of the House of Commons one copy in the Parliament Office of the House of Lords and one copy with the clerk of the Council;

(d) During the execution of the improvement the Council shall (excepting under special arrangement with the engineer of the Dock Company) at all times leave open a navigable water-way in the Surrey Canal of not less width than eighteen feet such water-way to afford a clear headway above the canal water-level of not less than nine feet throughout its entire width and the Council shall also leave open and uninterrupted on the north side of the canal a passage of not less than five feet in width to serve for a towing-path;

(e) The Dock Company and all persons authorised by them shall have and for ever enjoy after the improvement is completed the same rights of way along the road towing-paths and banks of the Surrey Canal under the proposed new bridge with or without horses cattle waggons carts or carriages as are now vested in the Dock Company with respect to the road towing-paths and banks under the existing bridge;

(f) Notwithstanding anything in this Act contained the site of the Surrey Canal the roadway the towing-path bank side drains and land of the Dock Company under and adjoining the improvement shall except the Dock Company under their common seal otherwise consent in writing and except so much of their lands as may be necessary for the due execution of the improvement as by this Act authorised limited and regulated continue vested as heretofore in the Dock Company and nothing in this Act or the Acts incorporated therewith shall confer any property or right therein or thereover upon the Council or any other body or person;

(g) The Council shall make good all damage that may be occasioned to the works or property of the Dock Company by the removal of Necker Bridge or the execution of the improvement also by the renewals or repairs or want of renewals or repairs of the works when effected as authorised by this Act and if for three days after notice in writing given to the Council by the Dock Company the Council neglect to proceed with due diligence to make good such damage the Dock Company may if they think fit and without prejudicing their remedies against the Council for any neglect default or omission on their part make good the same and the reasonable amount expended by them in so doing shall on demand be paid to them by the Council. Provided that in any case of pressing necessity the Dock Company may proceed to make good such damage without giving such notice as aforesaid without prejudice to their remedies as aforesaid and without prejudice to their right to claim and recover repayment from the Council on demand of the amount so expended by them;

(h) If by reason of or during the removal of Necker Bridge or the execution by the Council of the improvement or by reason of the want of repair thereof it shall happen that the navigation of the Surrey Canal shall be so obstructed that vessels boats or barges shall not be able freely to pass along such canal as heretofore the Council shall pay to the Dock Company as liquidated damages five pounds for every hour between six of the clock in the forenoon and nine of the clock in the afternoon of any week-day

during which such hindrance or obstruction shall occur or continue and if by reason of or during the execution by the Council of any of the works by this Act authorised directed or contemplated or by reason of the want of repair of any such works it shall happen that the towing-paths or roadway thereof shall be so obstructed that carts or carriages or the horses drawing the same shall not be able freely to pass along such towing-paths or roadway as heretofore the Council shall pay to the Dock Company as liquidated damages ten pounds for every day from six of the clock in the forenoon to nine of the clock in the afternoon and so in proportion for any part of such day during which such hindrance or obstruction shall occur or continue provided that the maximum daily penalties the Council shall be liable to shall not exceed fifty pounds but no claim shall be made in respect of any such obstruction of such slight or unimportant a character as not to materially affect the working of the canal and use of the towing-path. Provided that in this sub-section and sub-section (g) references to the Council after the bridge has been reconstructed and the approaches completed shall be taken to be references to the Deptford Council or to the body for the time being liable to maintain the said bridge and approaches :

(i) The plan marked "B" signed by the said Francis Layland-Barratt (whereof copies have been deposited as aforesaid) shall be taken as a general basis of the improvement but working drawings and specifications showing the manner in which the Council propose to carry out the improvement authorised or contemplated and all fences and approaches thereto shall (before the commencement of the works) be deposited at the office of the Dock Company and the said works shall not be commenced until the said drawings and specifications shall have been approved of by the engineer of that Company unless such engineer fails to signify his approval or disapproval or to give other directions within fourteen days after the deposit as aforesaid of such drawings and specifications and generally all works authorised or directed by this Act to be made in or through the lands of the Dock Company shall so far as they affect such lands or the rights or interests of the Dock Company be made constructed and completed to the reasonable satisfaction of the engineer of the Dock Company. Except with the consent in writing of the engineer of the Dock Company in pursuance of this sub-section nothing in this Act or in the Acts incorporated therewith contained shall authorise or empower the Council to alter the line level or depth of the Surrey Canal or the line or level of the towing-paths thereof or the roadway on the north side thereof or any part thereof respectively or to obstruct the navigation of the Surrey Canal or any part thereof or the said roadway or to injure any of the works of the Dock Company ;

(j) If any difference or dispute shall arise between the engineer of the Council and the engineer of the Dock Company as to the execution of the works to be done by the Council under the powers of this Act or otherwise in relation to the provisions of this section the same shall be referred to and settled by an engineer to be agreed upon between the Council and the Dock Company or in case of difference to be appointed on the application of either the Council or the Dock Company by the President of the Institution of Civil Engineers ;

(k) The Council shall indemnify and save the Dock Company harmless from and against all claims and demands arising out of any accident caused by the default of the Council in carrying out any of the provisions of this section.

10. The following provisions shall have effect for the protection of the South Eastern Railway Company and the South Eastern and Chatham Railway Companies Managing Committee in this section together referred to as "the Company":—

For protection of the South Eastern Railway Company and South Eastern and Chatham Railway Companies Managing Committee.

(1) Notwithstanding anything contained in this Act the Council shall not acquire otherwise than by agreement any greater portion of the land in the parish of Saint Paul Deptford belonging to the Company numbered 7 on the deposited plans than may be required for the purpose of constructing thereon a retaining wall in connection with the improvement;

(2) The Council shall twenty-eight days before they commence the construction of any works under the bridge or bridges carrying the railway of the Company over Trundley's Road furnish the Company with full particulars as to the nature and extent of such works and such works shall be deemed to be satisfactory to the Company and may be executed by the Council in accordance with such particulars as aforesaid unless within fourteen days from the receipt of such particulars the Company shall signify to the Council their disapproval thereof in which case the matters in dispute in regard to such works shall be determined by a civil engineer to be agreed upon between the Council and the Company or failing agreement to be appointed by the president of the Institution of Civil Engineers and such works shall be carried into effect in accordance with such determination and under the superintendence and to the reasonable satisfaction of the engineer of the Company;

(3) Nothing hereinbefore contained shall prejudice or affect any claim which the Company may have against the Council under the Lands Clauses Consolidation Act 1845;

(4) The Council shall execute the works in connection with the improvement in such manner as to ensure to the Company so far as may be reasonably practicable as convenient an access approach or means of communication between the land or arches of the Company and the public road as is now enjoyed in connection therewith and any matter in dispute arising under this sub-section shall be determined by arbitration in the manner prescribed under sub-section (2) of this section.

11. Subject to the provisions of this Act the sections of the London County Council (General Powers) Act 1901 and of the London County Council (General Powers) Act 1905 of which the numbers and marginal notes are set forth in the first and second parts respectively of the First Schedule to this Act are hereby incorporated with and form part of this part of this Act and shall extend and apply to the improvement and to the Council in respect thereof as fully and effectually for all intents and purposes as if such sections had been in terms re-enacted in this Act. Provided that all references in the said sections to the improvements authorised by the said London County Council (General Powers) Act 1901 and London County Council (General Powers) Act 1905 respectively shall for the purposes of this part of this Act be construed as references to the improvement as defined by this Act.

Incorporation of certain provisions of London County Council (General Powers) Acts 1901 and 1905 with this part of Act.

Applying provisions of London County Council (Subways) Act 1893.

12. The provisions of the London County Council (Subways) Act 1893 shall extend and apply to any subway to be constructed under the powers of this Act as well during as after the construction thereof as if such subway had been included in the expression "subway" in the first-mentioned Act and all by-laws under that Act which are in force at the passing of this Act or which shall thereafter be made shall extend and apply to every such subway.

Provided that for the purposes of the application of the said provisions to any such subway the Metropolitan Water Board and the London Hydraulic Power Company shall be deemed to be water companies.

13. [*Requiring the Deptford Council to contribute towards the expenses of the Council in relation to the improvement not exceeding one-half of such expenses or £6,000, whichever shall be the less—Power to the Deptford Council to borrow for the purpose of paying such contribution.*]

Separate account of receipts and payments.

14. A separate account shall (if and so far as may be necessary) be kept in relation to the costs and expenses of the improvement and for the purpose of ascertaining the sums to be contributed by the Deptford Council towards such costs and expenses the Council shall notwithstanding the provisions of the Metropolitan Board of Works (Loans) Act 1869 or any other Act carry to the said account all sums of money (if any) which may from time to time be paid to the Council under the provisions of this Act on account of the improvement whether such sums arise from the sale of materials or the sale or letting of lands or any other sums which recoup the Council part of the expenses incurred by them in carrying this Act into execution with respect to the improvement and shall furnish to the Deptford Council copies of the account relative to the improvement.

PART III.—PURCHASE OF LANDS BY COUNCIL.

Power to take lands for purposes of improvement.

15. Subject to the provisions of this Act the Council may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference as intended to be taken or which they may require for the purposes of the improvement.

Power to Council to acquire lands for certain purposes.

16. Subject to the provisions of this Act the Council may purchase and take for the purposes hereinafter stated the lands in the county hereinafter described which are delineated on the deposited plans and described in the deposited book of reference (that is to say):—

(1) For the purposes of the new street (Holborn to Strand) authorised by the London County Council (Improvements) Act 1899 :—

Lands comprising the premises known as Nos. 53 and 54 Wych Street situate in the parish of Saint Clement Danes and city of Westminster bounded on the north by Wych Street and on all other sides by other lands belonging to the Council;

(2) For the purposes of Part II. of the Education Act 1902 as applied to the county and to the Council by the Education (London) Act 1903 :—

(a) Lands in the parish of Saint Matthew Bethnal Green and metropolitan borough of Bethnal Green with the houses

and buildings erected thereon comprising the premises known as Nos. 42, 43 and 44 Morpeth Street bounded on the east by Morpeth Street on the north by other premises in Morpeth Street known as No. 41 in the said street on the south by a passage-way between the said premises known as No. 44 Morpeth Street and other premises known as No. 45 Morpeth Street and on the south-west by the north-eastern boundary of the school known as the Portman Place School vested in the Council :

(b) Lands in the said parish of Saint Matthew Bethnal Green with the house and buildings erected thereon comprising the premises known as No. 39 Morpeth Street bounded on the east by Morpeth Street on the north and south by other premises in the said street known respectively as Nos. 38 and 40 Morpeth Street and on the south-west by the said boundary of the said school :

(c) Lands in the said parish of Saint Matthew Bethnal Green with the houses and buildings erected thereon comprising the premises known as Nos. 29, 30, 31 and 32 Morpeth Street and the storehouses and premises in rear of the said premises the said lands being bounded on the east by Morpeth Street on the north by the premises known as No. 21 Bonwell Street and the passage-way leading from Bonwell Street to Morpeth Street on the south by other premises in Morpeth Street known as No. 33 in that street and on the south-west by the said boundary of the said school.

17.—(1) The Council may hold and use for the purposes of Part II. of the Education Act 1902 as applied to the county and to the Council by the Education (London) Act 1903 the lands hereinafter described which are now vested in the Council (that is to say) :—

Power to
Council to use
certain lands
for purposes
of Part II. of
the Education
Act 1902.

(a) Lands in the parish of Saint John Hackney and metropolitan borough of Hackney with the school buildings and premises erected thereon known as the Kingsland Birkbeck Secondary Schools for Girls which lands are bounded on the south-east in part by Colvestone Crescent and in part by the rear of the premises known as Nos. 1, 3, 5 and 7 Colvestone Crescent on the north-east by the premises known as No. 1 Colvestone Crescent and premises in rear of No. 9 Colvestone Crescent on the north by vacant land abutting on Birkbeck Road on the west by Birkbeck Road and on the south-west by the premises known as Colvestone House Colvestone Crescent ;

(b) Lands in the parish and metropolitan borough of Lewisham with the house and buildings erected on part thereof known as Kelvin House Kelvin Grove bounded on the north-west by Kelvin Grove on the south-west by the north-eastern boundary of the school known as Sydenham School belonging to the Council on the south-east by the Secondary School for Girls in Sydenham Hill Road and on the north-east by the rear of the premises known as Kelvin Cottage Sydenham Hill Road.

(2) The Council may appropriate hold and use for the purposes referred to in the preceding sub-section the lands hereinafter described which were acquired by and are now vested in the Council for the purposes of certain of the works authorised by the London County Council (Improvements) Act 1899 but are not required for those purposes (that is to say) :—

Lands in the parishes of Saint George Bloomsbury and Saint George the Martyr in the metropolitan borough of Holborn together with the buildings in course of erection thereon known or to be known as the Central School of Arts and Crafts and the Day Training College Southampton Row bounded on the west by Southampton Row on the north by Theobald's Road and Parton Street on the south by Fisher Street and towards the east in part by the premises known as No. 7 Parton Street in other part by the rear of the premises known as No. 2 Red Lion Square in other part by Saint John's Church and the churchyard belonging thereto and in other part by the premises in the occupation of Messieurs Parkinson and Son in Fisher Street.

(3) The Council shall in respect of the appropriation authorised by the last preceding sub-section of this section make such adjustments as may be necessary of their accounts relating respectively to improvements and to higher education. [*See also 7 Edw. 7, c. 43, s. 1 (2). See Appendix.*]

Purchase of lands by agreement in connection with improvement.

18. In addition to the lands delineated on the deposited plans and described in the deposited book of reference the Council may purchase by agreement in connection with and for the purposes of the improvement any lands not exceeding in the whole five acres but nothing in this Act shall exempt the Council from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land purchased under the powers of this section.

19. [*Power to the Council to take part only of the property described in the 2nd Schedule.*]

20. [*As to compensation in case of recently altered buildings.*]

21. [*Power to the Council to use lands temporarily.*]

22. [*Period for purchase of lands limited to 3 years.*]

Incorporation of certain provisions of London County Council (General Powers) Acts 1901 and 1904 with this part of Act.

23. The sections of the London County Council (General Powers) Act 1901 of which the numbers and marginal notes are set forth in the Third Schedule to this Act and section 14 (As to sale of ground rents) of the London County Council (General Powers) Act 1904 are hereby incorporated with and form part of this part of this Act and shall extend and apply to the lands by this part of this Act authorised to be acquired and to the Council in respect thereof as fully and effectually for all intents and purposes as if such sections had been in terms re-enacted in this Act.

PART IV.—MILK SUPPLY (TUBERCULOSIS).

Power to take samples of milk.

24.—(1) It shall be lawful for the medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer to take within the county for examination samples of milk produced or sold or intended for sale within the county.

Provided that in the exercise of the said power at any railway station or railway premises the medical officer of health or the person so authorised by him shall conform to the reasonable requirements of the railway company owning or using such station or premises so that the working of the traffic thereat may not be obstructed or interfered with.

(2) The Council may if in their discretion they think fit by

resolution authorise any such sanitary authority as is mentioned in the section of this Act of which the marginal note is "Interpretation of terms" to exercise in substitution for the medical officer so much of the powers of sub-section (1) of this section as to enable such sanitary authority through their medical officer or any person provided with and if required exhibiting the authority in writing of such last-mentioned medical officer to take within their district samples of milk for examination by the Council and may by such resolution prescribe the period during which and the conditions subject to which such authorisation shall take effect. Provided that any medical officer or other person purporting to act in pursuance of a resolution of the Council passed under this sub-section shall if required before taking any sample exhibit a copy of such resolution certified by the clerk of the Council.

(3) The like powers as are conferred by sub-section (1) of this section in all respects may be exercised outside the county by the medical officer or such authorised person if he shall first have obtained from a Justice having jurisdiction in the place where the sample is to be taken an order authorising the taking of samples of the milk which order any such Justice is hereby empowered to make.

25.—(1) If milk from a dairy situate within the county is being sold or suffered to be sold or used within the county the medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may if accompanied by a properly qualified veterinary surgeon at all reasonable hours enter the dairy and inspect the cows kept therein and if the medical officer or such person has reason to suspect that any cow in the dairy is suffering from tuberculosis of the udder he may require the cow to be milked in his presence and may take samples of the milk and the milk from any particular teat shall if he so requires be kept separate and separate samples thereof be furnished.

Power to inspect cows and to take samples of milk.

(2) If the medical officer is of opinion that tuberculosis is caused or is likely to be caused to persons residing in the county from consumption of the milk supplied from a dairy situate within the county or from any cow kept therein he shall report thereon to the Council and his report shall be accompanied by a report to be furnished to him by the veterinary surgeon and the Council may thereupon serve on the dairyman notice to appear before them within such time not less than twenty-four hours as may be specified in the notice to show cause why an order should not be made requiring him not to supply within the county any milk from such dairy or any milk from any specified cow or cows in such dairy until the order has been withdrawn by the Council.

(3) If the medical officer has reason to believe that milk from any dairy situate outside the county from which milk is being sold or suffered to be sold or used within the county or from any cow in any such dairy is likely to cause tuberculosis in persons residing within the county the powers conferred by this section may in all respects be exercised in the case of such dairy or cow: Provided that the medical officer or other authorised person shall first have obtained from a Justice having jurisdiction in the place where the dairy is situate an order authorising such entry and inspection which order any such Justice is hereby empowered to make. Provided also that the medical officer or such authorised person as aforesaid

shall in all cases where reasonably practicable without involving delay in the exercise of the powers of this section give to the medical officer of the county in which the dairy is situate previous notice in writing of his intention to enter such dairy for the purpose of inspecting the cows kept therein.

(4) Every dairyman and the persons in his employment shall render such reasonable assistance to the medical officer or such authorised person or veterinary surgeon as aforesaid as may be required by the medical officer or such person or veterinary surgeon for all or any of the purposes of this section and any person refusing such assistance or obstructing the medical officer or such person or veterinary surgeon in carrying out the purposes of this section shall be liable to a penalty not exceeding five pounds.

(5) If in their opinion the dairyman fails to show cause why such an order should not be made as aforesaid the Council may make the said order and shall forthwith serve notice of the facts on the Local Government Board and if the dairy is situate outside the county on the county council of the administrative county and the council of the borough or district in which it is situate.

(6) The said order shall be forthwith withdrawn on the Council or the medical officer being satisfied that the milk supply has been changed or that it is not likely to cause tuberculosis to persons residing in the county.

(7) If any person after any such order has been made supplies any milk within the county in contravention of the order or sells it for consumption therein he shall be liable to a penalty not exceeding five pounds and if the offence continues to a daily penalty not exceeding forty shillings.

(8) A dairyman shall not be liable to an action for breach of contract if the breach be due to an order under this section.

(9) It shall be lawful for the Council if they think fit to repay to any dairyman who shall have appeared before them pursuant to any notice in that behalf served on him by the Council the whole or any part of the expenses reasonably incurred by such dairyman in attending for the purpose of such appearance.

(10) The Council shall simultaneously with the service on any dairyman of a notice under this section furnish to him free of charge a copy of the report made to the Council by the medical officer in relation to the dairy referred to in such notice and of the report furnished to the medical officer by the veterinary surgeon who accompanied the medical officer or such authorised person as aforesaid on the occasion of his entry and inspection of such dairy and where any order proposed to be made by the Council under this section relates to any dairy situate outside the county the Council shall before making such order furnish free of charge to the county council of the county in which the dairy is situate copies of the like reports relating to such dairy.

Appeal.

26. The dairyman may appeal against an order of the Council made under the last preceding section or the refusal of the Council to withdraw any such order (a) if the dairy is situate within the county outside the city of London to the metropolitan police court of the district within which the dairy is situate or (b) if the dairy is situate within the said city to the Lord Mayor or an alderman of the said city for the time being sitting at the Mansion House or Guildhall Justice Rooms in the said city or (c) if the dairy

is situate outside the county at his option either to a metropolitan police court or to the Board of Agriculture and Fisheries who shall appoint an officer to hear such appeal. Such officer shall fix a time and place of hearing within the county and give notice thereof to the dairyman and the clerk of the Council not less than forty-eight hours before the hearing. Such officer shall for the purposes of the appeal have all the powers of a petty sessional court.

The Board of Agriculture and Fisheries may at any stage require payment to them by the dairyman of such sum as they deem right to secure the payment of any costs incurred by the Board of Agriculture and Fisheries in the matter of the appeal.

The court or the Board of Agriculture and Fisheries as the case may be may confirm vary or withdraw the order which is the subject of the appeal and may direct to and by whom the costs of the appeal (including any sum paid or payable to the Board of Agriculture and Fisheries as aforesaid) are to be paid but pending the decision of the appeal the order shall remain in force unless previously withdrawn by the Council.

27. If an order is made without due cause or if the Council unreasonably refuse to withdraw the order the dairyman shall if not himself in default be entitled to recover from the Council full compensation for any damage which he has sustained by reason of the making of the order or of the refusal of the Council to withdraw the order. Compensation to dairyman.

The court or the Board of Agriculture and Fisheries may determine and state whether an order the subject of appeal has been made without due cause and whether the Council have unreasonably refused to withdraw the order and whether the dairyman has been in default.

Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact of default where any such fact has not been determined by the court or Board of Agriculture and Fisheries or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 308 of the Public Health Act 1875 and that section shall accordingly apply and have effect as if the same were herein re-enacted and in terms made applicable to any such dispute as aforesaid. Provided that for the purposes of the said section the Council shall be deemed to be the local authority and that in the declaration to be made under the provisions of section 180 (10) of the Public Health Act 1875 there shall be substituted for the reference to that Act a reference to this Act.

28. Every person who knowingly sells or suffers to be sold or used for human consumption within the county the milk of any cow which is suffering from tuberculosis of the udder shall be liable to a penalty not exceeding ten pounds. Penalty for selling milk of diseased cows.

29. Any person the milk of the cows in whose dairy is sold or suffered to be sold or used for human consumption within the county who after becoming aware that any cow in his dairy is suffering from tuberculosis of the udder keeps or permits to be kept such cow in any field shed or other premises along with other cows in milk shall be liable to a penalty not exceeding five pounds. Penalty on failing to isolate diseased cows.

30. Every dairyman who supplies milk within the county and has in his dairy any cow affected with or suspected of or Obligation to notify cases of tuberculosis.

exhibiting signs of tuberculosis of the udder shall forthwith give written notice of the fact to the medical officer stating his name and address and the situation of the dairy or premises where the cow is.

Any dairyman failing to give such notice as required by this section shall be liable to a penalty not exceeding forty shillings.

Notice of provisions of this part of Act.

31. The Council shall cause to be given public notice of the effect of the provisions of this part of this Act by advertisement in two or more daily newspapers circulating in the county and by handbills and otherwise in such manner as they think sufficient and this part of this Act shall come into operation at such time not being less than one month after the first publication of such advertisement as aforesaid as the Council may fix.

Procedure.

32. Offences under this part of this Act may be prosecuted and penalties may be recovered by the Council before a petty sessional court having jurisdiction in the place where the dairy is situate or the offence is committed and not otherwise.

As to expenses.

33. Any expenses incurred by the Council in the application by a veterinary surgeon of the tuberculin or other reasonable test for the purpose of discovering tuberculosis to any cow whose milk is or was recently being supplied within the county shall be defrayed by them as expenses incurred in the execution of this Act in accordance with the provisions hereinafter contained. Provided that no such test shall be applied except with the previous consent of the owner of such cow.

Execution of this part of Act by Committee.

34. The powers conferred upon the Council by this part of this Act may be carried into execution by a committee of the Council formed in accordance with and subject to the provisions of the Fourth Schedule to the Diseases of Animals Act 1894 except that the committee shall consist wholly of members of the Council.

As to exercise of powers within city of London.

35. It shall be lawful for the Corporation or their medical officer to exercise concurrently with the Council or their medical officer within the city of London such of the powers by this part of this Act conferred upon the Council or their medical officer as the case may be as are exerciseable within the said city and the Council and the Corporation may enter into and carry into effect agreements and arrangements with respect to the exercise of such powers as aforesaid.

PART V.—CLEANSING OF VERMINOUS PERSONS.

Cleansing of children attending school and their clothing.

36.—(1) The medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may in any school within the county provided or maintained by the Council as the local education authority examine the person and clothing of any child attending such school and if on examination the medical officer or any such authorised person as aforesaid shall be of opinion that the person or clothing of any such child is infested with vermin or is in a foul or filthy condition the medical officer may give notice in writing to the parent or guardian or other person who is liable to maintain or has the actual custody of such child requiring such parent guardian or other person to cleanse properly the person and clothing of such child within twenty-four hours after the receipt of such notice.

(2) If the person to whom any such notice as aforesaid is given fail to comply therewith within the prescribed time the medical officer or some person provided with and if required exhibiting the authority in writing of the medical officer may remove the child referred to in such notice from any such school and may cause the person and clothing of such child to be properly cleansed in suitable premises and with suitable appliances and if necessary for that purpose may without any warrant other than this Act convey to such premises and there detain such child until such cleansing is effected.

37.—(1) If the medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer has reason to suspect that the person or clothing of any inmate of any common lodging-house within the county (elsewhere than in the city of London) is infested with vermin or is in a foul and filthy condition the medical officer or any such authorised person may at any reasonable hour enter any such common lodging-house and may examine the person and clothing of such inmate. If on examination the medical officer or any such authorised person as aforesaid shall be of opinion that the person or clothing of such inmate is infested with vermin or is in a foul and filthy condition the medical officer or such authorised person may give to such inmate notice in writing requiring him within twenty-four hours to submit his person and clothing to be cleansed in such suitable premises as may be specified in the notice and by means of any suitable appliances available thereat for that purpose.

Cleansing of inmates of common lodging-houses and their clothing.

(2) If the inmate to whom any such notice as aforesaid is given fail to comply therewith within the prescribed time the medical officer or some person provided with and if required exhibiting the authority in writing of the medical officer may cause the person and clothing of the inmate referred to in such notice to be properly cleansed in suitable premises and with suitable appliances and may for that purpose enter any such common lodging-house as aforesaid and may if necessary without any warrant other than this Act convey to any such premises and there detain such inmate until such cleansing is effected.

(3) Any person who shall prevent or obstruct the entry of the medical officer or any such authorised person as aforesaid into any such common lodging-house as aforesaid for the purposes of this section and any inmate of any such common lodging-house who shall refuse to permit the medical officer or any such authorised person as aforesaid to examine his person or clothing or who shall refuse to allow his person or clothing to be cleansed in accordance with the provisions of this section shall be liable on summary conviction to a penalty not exceeding forty shillings.

(4) In relation to any common lodging-house within the city of London and the inmates of any such lodging-house the like powers as are by this section conferred upon the medical officer and persons authorised by him as aforesaid in relation to common lodging-houses elsewhere within the county and inmates of such lodging-houses shall be exercisable by the medical officer of the said city or any person provided with and if required exhibiting the authority of such medical officer and the foregoing sub-sections of this section shall extend and apply accordingly and shall be read and have effect as if such last-mentioned medical officer and authorised persons had been substituted therein for the medical officer and

persons authorised by him and as if the Corporation had been substituted therein for the Council.

Agreements between Council and sanitary authorities for purposes of this part of Act.

38. The Council and any sanitary authority may make and carry into effect agreements and arrangements for or with respect to the cleansing of the person or clothing of any person under this part of this Act and for the use by the Council for the purpose of effecting such cleansing of any premises or appliances adapted for such purpose and belonging to or used by such sanitary authority.

Examination and cleansing of females to be effected by medical practitioner or female only.

39. The examination or cleansing of females under this part of this Act shall only be effected either by a person duly qualified as a medical practitioner or by a female person duly authorised as hereinbefore provided.

Regulations as to this part of Act.

40.—(1) It shall be lawful for the Council to make regulations with respect to the mode of carrying into effect the provisions of this part of this Act.

(2) No such regulations shall be of any force or effect unless or until the same shall have been submitted to and confirmed by the Local Government Board.

PART VI.—PREVENTION OF FLOODS.

Notice to be given of intention to execute flood works.

41.—(1) Not less than one month before commencing to execute any flood works the person intending to execute the same shall give to the Council notice in writing of such his intention with particulars of the nature and extent of such flood works and accompanied (unless the Council in their discretion otherwise allow) by plans and specifications of the intended works for approval by the Council under section 5 (Flood works not to be executed except in accordance with plans) of the Act of 1879.

Provided that nothing in this sub-section shall prevent the Council from sanctioning the commencement of the execution of any flood works referred to in any such notice prior to the expiration of the period of one month from the giving of such notice.

(2) Any person who shall commence or cause to be commenced the execution of any flood works without giving such notice and particulars as aforesaid or before the expiration of one month or such shorter period (if any) as the Council may sanction as aforesaid from the giving of any such notice or (unless the Council shall have waived the furnishing of plans and specifications) without having submitted with any such notice such plans and specifications as aforesaid shall be liable on summary conviction to a penalty not exceeding fifty pounds.

Penalties for infringements of section 5 of Act of 1879 and of this part of Act.

42. Any person who shall commence or execute or cause to be commenced or executed any flood works otherwise than in accordance with any plans which the Council shall have caused to be prepared in pursuance of the Act of 1879 or (unless the Council shall have waived the furnishing of plans and specifications) with any plans or specifications which the Council shall have approved shall be liable on summary conviction to a penalty not exceeding fifty pounds in respect of each such offence and to a further penalty not exceeding fifty pounds for every day after the first day after the commencement of such works until plans and specifications thereof shall have been approved by the Council.

43. Any person who shall damage or injure or who without Penalty for being authorised so to do under the provisions of the Act of 1879 interference with banks by as amended by this Act shall alter remove or interfere with any unauthorised bank shall be liable on summary conviction to a penalty not persons exceeding fifty pounds.

If any party feel aggrieved by any adjudication or determination of a court of summary jurisdiction with respect to any penalty under the provisions of this section such party may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

44.—(1) It shall be lawful for the Council in any case in which they deem it necessary or expedient so to do to require any person intending to execute any flood works to provide a proper and sufficient dam of a description to be approved by the Council before commencing to execute such works and to maintain and keep in repair such dam to the satisfaction of the Council until the completion of such works or for such longer or shorter period as the Council may determine.

(2) Any person who shall commence or execute or cause to be commenced or executed any flood works without having previously thereto provided if so required as aforesaid a dam of a description approved by the Council or who shall at any time during such period as the Council shall have determined as aforesaid fail to maintain and keep in repair to the satisfaction of the Council any such dam shall be liable to a penalty not exceeding fifty pounds and to a further penalty not exceeding fifty pounds for every day after conviction of any such offence until he shall have provided a dam of a description approved by the Council or during which he shall fail to make good to the satisfaction of the Council any defects in the repair of any dam provided in pursuance of any requirement of the Council in that behalf as the case may be.

45.—(1) Notwithstanding anything contained in the Act of 1879 it shall be lawful for the Council if they think fit in any notice given by them requiring the execution of works of maintenance to prescribe such period (whether more or less than twenty-eight days) as they may in each case think fit as the period within which notice of objection to execute such works and of the reasons for such objection is to be given to the Council and any person who shall not within the period prescribed in any such first-mentioned notice give to the Council notice of his objection to execute the works of maintenance required by the Council and of his reasons for such objection shall be deemed to have consented to execute such works of maintenance.

(2) The Council may if they think fit make in relation to any such objections as aforesaid any such order as is referred to in section 7 (Board to make plan of necessary flood works and serve notice of the making thereof upon Commissioners of Sewers vestries district boards and owners affected thereby of the Act of 1879 notwithstanding that the period of twenty-eight days next after the receipt of the notice of such objections referred to in the said section shall not have expired.

46. [Saving the rights of the Thames Conservators.]

47. The provisions of this part of this Act shall not apply to the execution of flood works within so much of the dock premises of the following dock companies as is inside the respective lock gates

or to any canal belonging to any of such companies and communicating with such portion of the said premises (that is to say) the London and India Docks Company the Surrey Commercial Dock Company and the Millwall Dock Company but the said dock companies shall where practicable before and where not practicable as soon as possible after making any alteration by which the height or level of any bank within the said portion of such premises as aforesaid will be permanently lowered give to the Council notice in writing of such alteration together with particulars thereof.

For protection of
London
Brighton and
South Coast
and other
railway
companies.

48. Notwithstanding anything in the Act of 1879 or in this part of this Act where by reason of any emergency the London Brighton and South Coast Railway Company the South Eastern Railway Company the London Chatham and Dover Railway Company or the South Eastern and Chatham Railway Companies Managing Committee (in this section respectively referred to as "the Company") being liable for the upkeep of any bank or dam find it necessary to execute any works of repair in connection with any such bank or dam immediately or before notice can be given such works of repair may be done on condition that before the expiration of a period not exceeding seventy-two hours after such works have been begun notice in writing thereof shall be given to the Council with particulars of the nature and extent of such works. If the Company shall commence the execution of any works under the powers of this section they shall in the event of notice and particulars as aforesaid not being given to the Council as in this section provided be liable on summary conviction to a penalty not exceeding fifty pounds.

49. [*Saving the rights of the Lee Conservancy Board.*]

PART VII.—PAYMENT OF MONEYS DUE TO DECEASED AND MENTALLY DISABLED EMPLOYEES AND PENSIONERS.

Power to
Council to pay
moneys due
to deceased
employees
and pension-
ers to certain
persons with-
out grant of
probate or
letters of ad-
ministration.

50.—(1) Where any sum or sums of money not exceeding in the aggregate one hundred pounds shall be due from the Council to any employee or pensioner of the Council at the time of the decease of such employee or pensioner the Council may if they think fit without requiring probate of the will or letters of administration of the estate of such employee or pensioner in their discretion pay or distribute the sum or sums of money so due as aforesaid or any part thereof to or among any of the persons hereinafter described or indicated (that is to say):—

(a) The persons named in the will of the employee or pensioner as executors :

(b) The widow of the employee or pensioner :

(c) The persons entitled to the effects of the employee or pensioner according to the Statutes of Distribution :

(d) Any person who has paid the funeral expenses of the employee or pensioner :

(e) Any person undertaking to maintain the children or child of the employee or pensioner :

(f) Any creditor of the employee or pensioner.

(2) The receipt of any of the persons mentioned in the preceding sub-section of this section shall be a good discharge to the Council for the sum paid and any such receipt may be signed by any widow or next-of-kin above the age of sixteen years

notwithstanding that she or he has not attained the age of twenty-one years.

51.—(1) If the total estate of any deceased employee or pensioner of the Council after deduction of debts and funeral expenses exceeds one hundred pounds any moneys which may under the provisions of this part of this Act be paid or distributed by the Council to or among any person or persons other than the legal personal representative of such deceased employee or pensioner shall notwithstanding such payment or distribution be for the purposes of estate duty treated as passing under the will or intestacy of the deceased employee or pensioner.

Estate duty to be payable in certain cases on money so paid.

(2) The Council before paying or distributing any moneys due to any deceased employee or pensioner to or among any person or persons other than the legal personal representative of such deceased employee or pensioner shall require :—

(a) Where the total estate of the deceased employee or pensioner including the amount of such moneys does not after deduction of debts and funeral expenses exceed the value of one hundred pounds a declaration to that effect by the claimant or one of the claimants or other the person or persons to or among whom the Council see fit to pay or distribute such moneys ;

(b) Where the total estate of the deceased employee or pensioner including the amount of such moneys but after deduction of debts and funeral expenses exceeds one hundred pounds the production of a certificate from the Commissioners of Inland Revenue of the payment of the estate duty and of a duly stamped receipt for the legacy or succession duty payable in respect of such moneys or of a certificate stating that no legacy or succession duty is payable.

52. When any sum in respect of salary wages pension superannuation or other allowance or annuity is payable by the Council to any person being or having been an employee or pensioner of the Council or to any widow or child of a deceased employee or pensioner and the person to whom such sum is payable is certified by a justice or minister of religion and by a medical practitioner to be unable by reason of mental disability to manage his or her affairs the Council may pay the whole or so much as they may think fit of the said sum to the institution or person having the care of the disabled person and may pay the surplus if any or such part thereof as the Council may think fit for or towards the maintenance and benefit of the wife or husband and relatives of the disabled person. The Council shall be discharged from all liability in respect of any sums paid in accordance with the provisions of this section whether before or after the passing of this Act.

As to payment by Council of salary pension etc. payable to persons mentally disabled.

PART VIII.—SUPERANNUATION.

53. In addition to all or any of the matters or things which the Council may under Part IV. of the Act of 1891 as amended by Part VI. of the Act of 1892 determine by any scheme for the establishment of a Superannuation and Provident Fund (in this part of this Act referred to as "the Fund") the Council shall notwithstanding anything contained in the said parts of the said Acts be deemed on and from the sixteenth day of October one

As to the powers of amending Superannuation and Provident Funds.

thousand nine hundred and six to have had power to determine in and by any such scheme or by any alteration or amendment of any such scheme the following matters and things or any of them (that is to say) :—

(a) The percentage or proportion of the annual value of the emoluments (if any) of the contributors as well as of their salaries or wages which shall be payable to the Fund by such contributors and that the percentage or proportion of such salaries or wages and emoluments may be different or vary in different or varying cases ;

(b) The persons who may become contributors under any such scheme or any such scheme as altered and the terms and conditions on which contributors to the existing scheme may become contributors to such scheme as altered ;

(c) The payment of retiring or superannuation allowances on such basis or system as may be defined by any such scheme or by any such scheme as altered ;

(d) That no interest on the amount of his or her own contributions to the Fund shall be payable to any contributor who shall leave the service of the Council before becoming entitled to a retiring or superannuation allowance unless such contributor—

(i) Shall leave such service (a) in consequence of reductions or alterations in the establishment or (b) owing to ill-health before completing ten years' service, or

(ii) Being a female shall pursuant to any requirement of the Council in that behalf leave such service on marriage ;

(e) That upon the death of any person who shall have been a contributor to the Fund the representatives of such person shall be entitled to receive such a sum (if any) as represents the amount by which the whole amount of the contributions of such person (with such interest as shall have accrued thereon up to the date of retirement) exceeds the aggregate of the payments (if any) which shall have been made by way of retiring or superannuation allowance to such person and shall have no further claim on the Fund.

As to contributions to Fund by Council.

54.—(1) Notwithstanding anything in sub-section (1) of section 66 (Council to contribute to Fund) of the Act of 1891 the Council shall in lieu of the contributions in that sub-section mentioned at the end of each and every quarter of a year or such less period as the Council may determine contribute to the Fund such sums as may be ascertained in accordance with the provisions of any scheme and such further sums (if any) as they may decide.

(2) Sub-section (2) of the said section shall be read and have effect as if the words “or allowances” had been inserted therein immediately after the word “sums.”

Power to Council to make additional payments or allowances.

55. The Council may make to any contributor to the Fund any payment or annual or other allowance in addition to any payment or other allowance out of the Fund which such contributor may be entitled to receive under any scheme for the time being in force.

Provided that the Council shall not under this section make to any contributor to the Fund any such additional allowance as aforesaid of such amount as (together with any allowance out of the Fund which such contributor is entitled to receive) will exceed

the maximum amount of any superannuation allowance which could have been granted to such contributor under the provisions of the Superannuation (Metropolis) Act 1866 if he had been qualified to receive a superannuation allowance within the meaning of that Act.

All sums paid or allowed by the Council under this section shall be paid as payments for general county purposes within the meaning of the Local Government Act 1888.

Provided that where the whole or any part of the salary wages or emoluments of such contributor is not payable as a payment for general county purposes all sums paid or allowed by the Council under this section shall be defrayed out of the same fund or rate as the salary wages or emoluments of such contributor.

56. As from the first day of October one thousand nine hundred and seven or such earlier date as the Council may determine the scheme as amended by any resolution or resolutions of the Council passed (whether before or after the passing of this Act) prior to such date shall take effect.

Date from which amended scheme to take effect.

57. The provisions of this part of this Act shall empower the Council if in their discretion they think fit to make a complementary scheme or complementary schemes or to amend any existing scheme or complementary scheme so as to admit as contributors to the Fund on such terms and conditions as the Council shall by such complementary scheme or amended scheme determine any persons now or hereafter in the employ of or employed in institutions maintained by the Council who shall be or become entitled to any pension or retiring or superannuation allowance from any source other than the Fund. Provided that forthwith after making any complementary scheme or amending any existing or complementary scheme under the provisions of this Act so as to admit as contributors to the Fund any persons entitled to any such pension or allowance as last aforesaid which is payable by the Treasury the Council shall give to the Treasury in writing particulars of such complementary scheme or amendments.

As to allowances to persons entitled to pensions or allowances from other sources.

PART IX.—EXTENSION OF TIME.

58.—(1) The time limited by the London County Council (Improvements) Act 1900 for—

Extension of time for completion of works.

(a) The construction of the Thames Embankment extension and improvements at Westminster;

(b) The widenings at Blackheath Road Blackheath Hill and New Road;

respectively described in and authorised by that Act is hereby extended till the sixth day of August one thousand nine hundred and nine; and

(2) The time limited by the Thames Tunnel, Rotherhithe and Ratcliff Act 1900 for the completion of the works described in and authorised by that Act is hereby extended till the sixth day of August one thousand nine hundred and nine but nothing in this Act contained shall extend beyond the sixth day of August one thousand nine hundred and eight the liberty of temporary occupation conferred on the Council by sub-section (11) of section 22 of the said Act.

Applying provisions of Railways Clauses Act 1863 as to extension of time.

For protection of Houses of Parliament etc.

59. Part II. of the Railways Clauses Act 1863 relating to extension of time shall be deemed to be incorporated with this part of this Act and for the purposes of this Act the expressions "railway" and "railway and works" shall mean the works mentioned in the last preceding section of this Act and the expression "the Company" shall mean the Council.

60.—(1) With a view to the protection of the Houses of Parliament and their contents and the new garden land described in section 8 (3) of the London County Council (Improvements) Act 1900 (in this section referred to as "the protected premises") the Commissioners of Works and their engineer or other officer duly authorised in writing under the hand of their secretary may from time to time during the course of construction and for ever thereafter enter upon and inspect such generating station of the Westminster Electric Supply Corporation Limited as shall in the execution of the works authorised by section 4 (1) of the said Act be substituted for the existing generating station of that Corporation and if on such inspection it appears that proper precautions are not being adopted for the due consumption of smoke and for preventing as far as reasonably practicable the evolution of oxides of sulphur and generally for the prevention of nuisance in relation to the protected premises they may (without prejudice to any other remedy) require the Corporation forthwith to carry out such works and to do such things as are reasonably necessary in the circumstances.

(2) The Corporation shall give all reasonable facilities for such inspection to the Commissioners and their engineer or other officer as aforesaid.

(3) Nothing in this section shall prejudice or interfere with any arrangement or contract entered into between the Council and the Corporation under or in pursuance of section 11 of the said Act of 1900 or shall affect any liability or obligation of the Council or any sum compensation or other consideration to which the Corporation may be or become entitled under the said section 11 and any such sum compensation or consideration as aforesaid shall be determined or assessed as if the provisions of this section had not been enacted.

(4) The Commissioners before making any requirement under this section shall furnish the Council with particulars of the proposed requirement and the Council may make representations to the Commissioners with regard thereto. The Commissioners shall furnish to the Council as soon as practicable a copy of any requirement as forwarded by them to the Corporation and in the event of the Council considering such requirement to be unreasonable the matters in dispute shall be determined by arbitration as in this section provided.

(5) If the Corporation shall at any time actually incur any reasonable additional expenditure by reason of any requirement made under this section which but for this section they would not have incurred or have been liable to incur the Council shall reimburse the amount of such expenditure to the Corporation provided such requirement is not made as the result of neglect or want of proper care or precaution on the part of the Corporation or their workmen or servants.

(6) For the purpose of enabling the Council to properly consider any such requirement or proposed requirement or to judge as to the manner in which any such requirement is being or has been carried

into effect by the Corporation the engineer of the Council or other person duly authorised in writing by the clerk of the Council may from time to time during the construction of the generating station hereinbefore referred to or at any time thereafter enter upon and inspect such station and the Corporation shall give all reasonable facilities for such inspection and shall furnish any information which the Council may reasonably require.

(7) If any question shall arise under this section between the Commissioners on the one hand and the Corporation or the Council on the other hand or between the Council on the one hand and the Corporation on the other hand such question shall be referred to and determined by an arbitrator to be appointed (in case of disagreement) on the application of the Commissioners or of the Corporation or of the Council (as the case may be) by the President of the Institution of Civil Engineers and the Arbitration Act 1889 shall apply to the reference.

61. For the protection of the Westminster Electric Supply Corporation Limited (in this section referred to as "the Company") the following provisions shall unless otherwise agreed in writing between the Council and the Company have effect (that is to say):—

For protection of Westminster Electric Supply Corporation Limited.

(1) Sub-sections (1) and (3) of section 11 (For protection of the Westminster Electric Supply Corporation Limited) of the London County Council (Improvements) Act 1900 shall be read and have effect as if the period of two years and six months from the first day of November one thousand nine hundred and seven were substituted therein for the period of two years in the said sub-sections mentioned:

(2) The Company shall as soon as possible furnish to the Council all such particulars and information in reference to the new generating station to be erected by the Company on the new site in the said section mentioned or to the plans relating to the said generating station as the Council may have required:

(3) The Company shall accept the title of the Council to the lands comprising the said new site and the Council shall grant and the Company shall accept a conveyance of the new site on or before the said first day of November one thousand nine hundred and seven:

(4) If the Council shall not on or before the said first day of November one thousand nine hundred and seven have approved the said plans the said period of two years and six months shall be deemed to extend from any subsequent date on which the Council may approve the said plans instead of from the said first day of November one thousand nine hundred and seven:

(5) The sum to be paid or secured by the Council under the said section shall not be increased by reason of the provisions of this section.

PART X.—EXCHANGE OF LANDS IN CONNECTION WITH HOUSING SITES.

62.—(1) It shall be lawful for the Council at any time after the passing of this Act for the purpose of enlarging or improving or rendering more suitable or convenient any site acquired by them for the purposes of the Housing of the Working Classes Acts 1890 to 1903 (in this part of this Act referred to as a "housing site") to exchange any part or parts of the housing site for any lands

to be used for exchange lands in connection with housing sites.

adjoining or near to such site whether such lands be vested in the Council or in any other person. Such last mentioned lands shall be added to the housing site in connection with which the exchange was effected and the Council shall on any such exchange make any necessary adjustment of their accounts and may make or receive any payment for equality of exchange. Provided that all moneys so received by the Council shall be applied in or towards capital expenditure upon or to provide for the repayment of money borrowed for the purposes of the Housing of the Working Classes Acts 1890 to 1903.

(2) The Council shall not effect any exchange under the powers of this section without the consent of the Local Government Board and as regards any lands vested in the Council for purposes other than those of the said Acts and proposed to be exchanged under this section which the Council are not empowered to exchange or dispose of without consulting or obtaining the consent of a Secretary of State or Government Department nothing in this section shall relieve the Council from the obligation so to consult or to obtain such consent.

(3) All lands added to a housing site upon any such exchange as aforesaid shall be used by the Council for the purposes for which they acquired such housing site and any part of a housing site exchanged under the powers of this section shall be subject to such statutory enactments (if any) as applied immediately prior to the exchange to the lands for which such part was exchanged.

PART XI.—POWERS TO CAMBERWELL COUNCIL.

63—73. [*Power to the Camberwell Council to purchase and take lands for the purpose of enlarging or improving Brunswick Square, Camberwell, and to stop up a portion of the roadway of Brunswick Square, and provisions relating to such purchase and stopping up.*]

PART XII.—MISCELLANEOUS AND FINANCIAL.

74.—(1) It shall be lawful for the Council by resolution to appropriate and use for the purpose of enlarging Mountsfield Park in the metropolitan borough of Lewisham such portion as they may think fit not exceeding eight acres of the lands in the said metropolitan borough known as “the Catford site” adjoining the said park which were acquired by the School Board for educational purposes and are now vested in the Council as the local education authority.

(2) From and after the appropriation by this section authorised the lands so appropriated shall be added to become and be part of Mountsfield Park aforesaid and shall be subject to the same provisions with reference to management control and maintenance as other parts of Mountsfield Park and all bye-laws with respect to Mountsfield Park made by the Council under the provisions of the Acts regulating the use of and relating to open spaces in the county and immediately before such appropriation in force or thereafter to be made by the Council under the provisions of those Acts shall extend and apply to the said lands and all the powers of the Council under those Acts shall be exercisable in respect of such lands as though the same had at the time of the passing of the said Acts or the making of such bye-laws formed part of Mountsfield Park.

Power to appropriate certain lands for enlargement of Mountsfield Park.

(3) There shall be charged to the capital account relating to parks and open spaces and deemed to be part of the capital expenditure of the Council in respect of parks and open spaces such a sum in respect of the appropriation and use by this section authorised as the Council may determine and the sum so determined shall be applied by the Council in or towards capital expenditure upon or to provide for the repayment of money borrowed for educational purposes under the Education Acts 1870 to 1903.

75.—(1) It shall be lawful for the Council to appropriate and use for the purposes of Part I. of the Housing of the Working Classes Act 1890 in connection with the execution by them of the London (Southwark) Improvement Scheme 1900 authorised by the Provisional Order scheduled to and confirmed by the London (Southwark) Provisional Order Confirmation Act 1900 the lands in the metropolitan borough of Southwark delineated and coloured red on the plan marked "C" signed in triplicate by Francis Layland-Barratt the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plan one copy has been deposited in the Private Bill Office of the House of Commons one copy has been deposited in the Parliament Office of the House of Lords and one copy has been deposited with the clerk of the Council) which lands were acquired by the School Board and are now vested in the Council as the local education authority.

Exchange of
lands in con-
nection with
London
(Southwark)
Improvement
Scheme 1900.

(2) It shall be lawful for the Council to appropriate and use for the purposes of the Education Acts 1870 to 1903 the lands in the said metropolitan borough of Southwark delineated and coloured blue on the said plan which lands were acquired by and are now vested in the Council for the purposes of the said London (Southwark) Improvement Scheme 1900.

(3) The cost of adapting for educational purposes the lands referred to in the last preceding sub-section of this section shall be defrayed out of the Dwelling House Improvement Fund of the Council and be deemed to be part of the capital expenditure of the Council in connection with the said London (Southwark) Improvement Scheme 1900.

76.—(1) It shall be lawful for the Council to appropriate and use for the purposes of the Education Acts 1870 to 1903 either permanently or temporarily for such period as they may determine or partly permanently and partly temporarily the whole or so much as they may think fit of any portion not exceeding sixteen thousand square feet of the lands in the metropolitan borough of Poplar which were acquired by and are now vested in the Council for the purposes of the London (Poplar) Improvement Scheme 1900.

Appropriation of lands in Poplar for educational purposes.

(2) So much (if any) of the said lands as shall be so temporarily appropriated and used shall when no longer required to be so used be disposed of by the Council in accordance with the provisions of the said London (Poplar) Improvement Scheme 1900.

(3) In respect of the appropriation and use by this section authorised there shall be charged to the capital account relating to education and deemed to be part of the capital expenditure of the Council for educational purposes such a sum as the Council may determine and the sum so determined shall be applied by the Council in or towards capital expenditure upon or to provide for the repayment of money borrowed under or for the purposes of the Housing of the Working Classes Acts 1890 to 1903.

Amending
School Board
Act of 1902.

77.—(1) It shall be lawful for the Council as successors of the School Board in the case of persons being or becoming entitled to receive superannuation allowances out of the Officers' Fund to pay or continue to pay such allowances as follows so long as they shall respectively continue payable (that is to say):—

(a) In the case of any person who was on the thirty-first day of December one thousand nine hundred and five a recipient of any such allowance a superannuation allowance of the same amount as that of which he was a recipient on the said date ;

(b) In the case of any person who shall since the said thirty-first day of December one thousand nine hundred and five have become or shall after the passing of this Act become such a recipient as aforesaid a superannuation allowance of the same amount as that of which he was a recipient prior to the passing of this Act or of the same amount as that which he shall first become entitled to receive out of the Officers' Fund after the passing of this Act (as the case may be).

(2) No person being at the passing of this Act or thereafter becoming a recipient of any such superannuation allowance as aforesaid shall be entitled to any increase of such allowance in consequence of any statement contained in any valuation of the Officers' Fund made under section 8 (Valuation of Officers' Fund) of the School Board Act of 1902.

(3) All payments made by the School Board or by the Council as successors of the School Board by way of such superannuation allowances since the passing of the School Board Act of 1902 and prior to the passing of this Act shall be deemed to have been lawfully and properly made.

(4) Section 2 (Interpretation) of the School Board Act of 1902 shall be read and have effect as if there had been omitted from the definition of the term "officers" contained in the said section the words "and also all persons now in receipt of a superannuation allowance from the Officers' Fund."

As to supply
of water in
tenement
houses.

78. For the purposes of section 48 (Provisions as to house without proper water supply) of the Public Health (London) Act 1891 a tenement house shall be deemed to be a house without a proper and sufficient supply of water unless there shall be provided on the storey or one of the storeys in which the rooms or lodgings in the separate occupation of each family occupying such house are situate a sufficient provision for the supply of water for domestic purposes.

Provided that with respect to any building existing and in use as a tenement house at the passing of this Act this section shall not (a) come into operation until the first day of January one thousand nine hundred and eight or (b) apply where the only storey or storeys on which a proper and sufficient supply of water is not provided is or are a storey or storeys (i) constructed at a height exceeding that to which the Metropolitan Water Board may for the time being be required to furnish a supply of water for domestic purposes and (ii) to which a supply of water for such purposes is not at the passing of this Act being furnished by the said Board by agreement.

Provided also that this section shall not apply to any tenement house in respect of which it can be shown that any such provision for the supply of water as aforesaid is not reasonably necessary.

Keeper of
common
lodging house

79.—(1) From and after the passing of this Act the person licensed as the keeper of a common lodging-house in the county

or some proper and responsible substitute or deputy to be nominated by such person and approved in writing by the Council shall reside constantly and shall remain between the hours of nine of the clock in the afternoon and six of the clock in the forenoon in such lodging-house and if there shall not be in constant residence in any such lodging-house either the keeper thereof or some proper and responsible substitute or deputy nominated and approved as aforesaid or if the keeper of any such lodging-house or such substitute or deputy as aforesaid shall not remain therein between the said hours the keeper of such common lodging-house shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

or approved substitute to reside therein.

(2) It shall be lawful for the Council to revoke or to suspend for such period as they may think fit or to refuse to renew any licence held by any keeper of a common lodging-house who shall be convicted of an offence under this section.

80. Notwithstanding anything contained in the Metropolitan Police Courts Act 1839 or in any other Act or Acts to the contrary whenever in consequence of proceedings taken in respect of an offence under this Act a pecuniary penalty is inflicted the amount of such penalty shall be payable and paid to the Council.

Application of penalties under Act.

81. Nothing in this Act shall prejudice or affect the exercise by the Council or any officer of or person authorised by the Council of any powers under the Dairies Cowsheds and Milk-shops Orders 1885 and 1899 or Part V. of the London County Council (General Powers) Act 1904.

Saving for existing powers of Council as to milk.

82. For the purpose of securing the repayment with interest of any moneys borrowed by the council of any metropolitan borough under the powers of this Act such Council may mortgage and assign all or any of the moneys or rates authorised to be raised by them under the Metropolis Management Act 1855 and any borrowing by the council of a metropolitan borough under the powers of this Act shall be subject in all respects to the provisions of sections 183 to 189 of the said Metropolis Management Act 1855 as amended by any subsequent Act.

As to repayment of moneys borrowed by councils of metropolitan boroughs.

83.—(1) The Council may expend on capital account for the purposes of this Act such money as they may from time to time think fit not exceeding nineteen thousand three hundred pounds and in order to raise or provide the money required for that purpose the Council may from time to time create and issue consolidated stock or resort to the Consolidated Loans Fund or otherwise raise money in accordance in each case with the provisions of the Acts for the time being in force regulating the raising of money for capital purposes by the Council.

Money to be raised on capital account.

Provided that nothing in this Act shall authorise the borrowing and expenditure of any money on capital account after the thirtieth day of September one thousand nine hundred and eight.

(2) The Council in accordance with the provisions in relation to redemption and repayment of the Acts relating to the raising and expenditure of money by the Council on capital account shall make provision for the redemption of stock or the repayment of money borrowed or expended on capital account for the purposes of this Act within such term not exceeding in any case sixty years as the Council with the consent of the Treasury may determine.

Saving rights
of the Crown.

84. Nothing in this Act affects prejudicially any right power privilege or exemption of the Crown.

85. [*Saving the rights of the Duchy of Cornwall.*]

As to pay-
ments under
this Act.

86.—(1) All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888 and subject as hereinafter provided the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Council in like manner.

Provided that so much of the said last-mentioned costs charges and expenses as may be attributable to the Camberwell Council in respect of or in connection with the application for and obtaining the powers by this Act conferred on that Council shall be paid by them out of the general rate authorised to be levied by them or out of moneys borrowed by them for that purpose under the powers and subject to the provisions of this Act.

(2) Any moneys expended by the council of any metropolitan borough in the execution of this Act (except so far as they may be otherwise provided for by this Act) shall be charged upon the general rate leviable within the borough of such council.

(3) Any moneys expended by the Corporation in the execution of this Act shall be paid out of their consolidated rate and sewers rate or either of such rates.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

FIRST PART.

INCORPORATED SECTIONS OF LONDON COUNTY COUNCIL (GENERAL POWERS) ACT 1901.

Number of Section.	Marginal Note.
* 8	Streets may be raised or lowered.
* 9	Deviation from line and levels.
* 13	Alteration of electric lines.
* 14	Carriage-way footway sewers and other works.
* 15	Directing how the pavement shall be laid and made.
* 16	Sewers or drains to be arched over or filled up.
* 17	Power to alter steps areas pipes etc.
* 19	Period for completion of improvements.
* 21	Power to sell materials.

SECOND PART.

INCORPORATED SECTIONS OF LONDON COUNTY COUNCIL (GENERAL POWERS) ACT 1905.

Number of Section.	Marginal Note.
8	Power to stop up ways temporarily.
9	Power to make subsidiary works stop up streets etc.
10	Alteration of position of water gas and other pipes.
11	For protection of Metropolitan Water Board and gas companies.
12	Underpinning of houses near bridge.

* For these sections see extract from the London County Council (General Powers) Act 1901 set out in the Appendix.

THE SECOND SCHEDULE.

[*Description of property of which a portion only is required to be taken by the Council.*]

THE THIRD SCHEDULE.

INCORPORATED SECTIONS OF LONDON COUNTY COUNCIL (GENERAL POWERS) ACT 1901.

Number of Section.

Marginal Note.

24	Power to certain persons to grant easements etc. by agreement.
* 25	Correction of errors etc. in deposited plans and book of reference.
* 26	Power to Council to enter upon property for survey and valuation.
* 27	Costs of arbitration etc. in certain cases.
* 31	Limitation of time for purchase of lands.
32	Power to lease surplus lands.
34	Council may sell land in first instance without having previously granted a lease thereof.
35	Council may let or exchange lands.
* 36	Council to dispose of lands within a certain period.
37	Receipts of Council to be effectual discharges.

* For these sections see extract from the London County Council (General Powers) Act 1901 set out in the Appendix.

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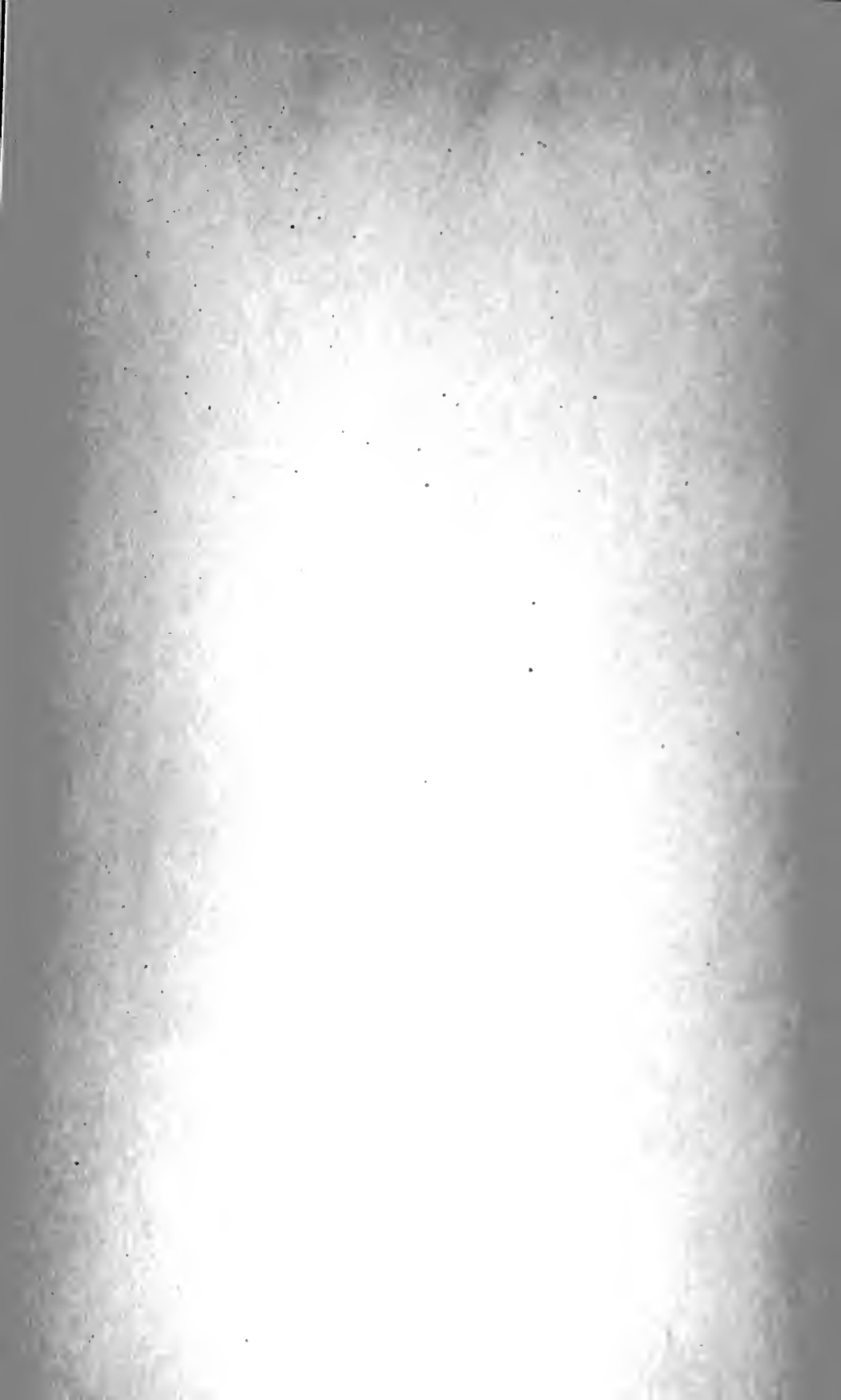
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